REVENUE SECRETARIAT

IN THE HIGH COURT OF MYSORE AT BANGALORE.

SATURDAY, the 23rd day of November 1940

Present

SIR D'ARCY REILLY, CHIEF JUSTICE

and

ADL-UL-MULK
MR. JUSTICE C. ABDUL GHANI.

Criminal Appeals Nos. 19, 20 and 21 of 1940-41.
Criminal Referred Case No. 1 of 40-41.

and

Criminal Appeal No. 27 of 1940-41.

	Appellants
Petitions of Criminal Appeals Nos. 19 to 21 of 1940-41 (received through the Superintendent, Central Jail, Bangalore) against the convictions and sentence of death passed by the Second Additional Sessions Judge of Bangalore in Bangalore Sessions Case No. 30 of 1939-40.	In Cr.A.19:- K.M. Narayan Reddy (Accuse In Cr.A. 20: Muniga (Accused 2). In Cr.A.21:- Rama (Accused

Appeal against the order of acquittal passed on the aforesaid Respondents (Accused 4 and 5) by the 2nd Additional Sessions Judge of Bangalore in Bangalore Sesssons Case No. 3o of 39-40.

These appeals and the Criminal Referred Case coming on for final hearing this day, and after hearing the arguments of (1) Mr. Nugent Grant for Appellant (Accused 1) in Criminal Appeal 19, (2) Mr. D. Vasudev Rao for Appellant-(Accused 2) in Cr.A.No. 20 and for Appellant-(Accused 3) in Criminal Appeal 21, (3) Mr. K. Ramaswamy, Special Public Prosecutor for Government in Criminal Appeals Nos. 19, 20 and 21 and also for the Appellant-Government in Criminal Appeal 27 of 40-41, (4) Mr. G. Channaraya Reddy for Respondent 1(Accused 4) in Criminal Appeal No. 27), and (5) Mr. V.V. Srinvasiengar for Respondent 2(Accused 5) in Criminal Appeal No. 27 , the Court pronounced the following:-

JUDGMENT.

THE CHIEF JUSTICE:-

These four appeals relate to one case, which was tried by the Second Additional Sessions Judge of Bangalore. Accused 1, the Appellant in Criminal Appeal No.19 of 1940-41, Accused 2, the Appellant in Criminal Appeal No.20 of 1940-41, and Accused 3, the Appellant in Criminal Appeal No.21 of 1940-41, have been convicted of/murdering Mr. Mokshagundam Krishnamurthi, an Advocate of this Court, in Bangalore City on the 2nd of March last and also of abducting Mr. Krishnamurthi on the same occasion in order to murder him, an offence punishable under Section 364 of the Penal Code For the murder each of those three Accused has been sentenced to death; and for the abduction each has been sentenced to undergo rigorous imprisonment for seven years.

Accused 1 is a young building contractor living in Cambridge Road in the Civil & Military Station of Bangalore. Accused 2 is Accused 1's mali. Accused 3 works in an apple orchard belonging to Accused 1. There were two other Accused in the case. Accused 4, who works in Accused 1's land in Murigesapalyam, a few miles east of Bangalore, was charged

legal adviser, was charged with abetting the murder and abetting the abduction; but he was acquitted on both those charges. The learned Sessions Judge has referred the sentences of dea imposed by him on Accused 1, 2 and 3 to this Cou for confirmation; and each of those Accused has appealed to this Court against his convictionand sentence. Against the acquittal of Accused 4 a 5 the Government have appealed in Criminal Appea No.27 of 1940-41.

Accused 1, when he was put on his trial i the Sessions Court, pleaded guilty to an offence of wrongfully restraining Mr. Krishnamurthi; bu in other respects he pleaded not guilty to the charges against him. Each of the other Accused in the case pleaded not guilty to the charges against him.

Accused 5 had also been committed for tr on charges of forgery, punishable under Sections 465, 467 and 468 of the Penal Code, of using a forged document, punishable under Section 471 of the Penal Code, and of possessing a forged docume punishable under Section 474 of the Penal Code, i respect of a will, which purported to have been made by Accused 1's father, Muninanjappa, on the

the same time as the charges against the other Accused, as the charges in connection with the wil obviously did not refer to the same transaction as the charges of murder, abduction and abetment of those offences.

There is undisputed evidence in this case that Mr. Krishnamurthi's dead body was found on the 4th of March last about 30 miles north of Bangalore in a pit, a few yards from the side of a cross-road running from the Bangalore-Goribidnur Road near the Maklidoorg Railway Station across open country to the Sri Subrahmanyaswami temple at Subrahmanya Ghat, and that death had been due to strangling with a rope. An Assistant Surgeon, P.W.34, who made a post mortem examination of the body on the 5th of March, found also an incised wound, 2" long and ½" deep, above the left eye brow: in his opinion the strangling, which caused Mr. Krishnamurthi's death, could have been done with a piece of rope found on the dead body when it was discovered and going round the neck, which has been produced in the case as M.O.5.

waited some time and then went to Chickpet, first stopping outside the office of another Advocate and then going on to Accused 5's office in Chikpet, where again they ~~filed~~ failed to find Accused 5: they looked out for him for about 25 minutes, and then they went to a hotel called the Ananda Bhavan Hotel to get some food: while they were on the steps of the hotel they saw Accused 5 coming in a car from the Avenue Road Circle towards Chickpet: Accused 1 went down the steps of the hotel in order to speak to Accused 5: Accused 5's car stopped opposite the hotel, and Accused 1 went to it: Ponnambalam, the approver, then returned to Accused 1's car, M.O.3, a Talbot car, as he calls it: Accused 1 and Accused 5 came walking towards Accused 1's car and talking together, and they continued to talk for about 5 mintues: when Accused 5 was about to go back to his car, he said to Accused 1 "Have you no moustache? Don't be afraid. Come to the Court.": then Accused 1 and Ponnambalam went into the hotel and had some food: about 10-45 that morning they went to the District Court buildings, and Ponnambalam sat in the car under the trees while Accused 1 went inside, saying that he was going to meet Accused 5: about half-past 1 or 2 Accused 1 came out and said it would take some more time still for him to see his lawyer, and they went somewhere for tiffin: they returned, and again Accused 1 went inside the Court buildings about 3 or 4 in the afternoon: then P.W.20, Chikkaveerappa, came to Ponnambalam and told him

District Court Buildings are, to Accused 1's house in the Civil and Military Station: he then returned to the Court-house by bus: when he approached the Court-house, he saw Accused 1 coming from it: Accused 1 asked him why he had taken the car away, and he informed Accused 1 that Chikkaveerappa had told him about the attachment order, and so he had taken the car home: Accused 1 then said "Are they bent on disgracing me? In that case what the lawyer says is coming true. Let what come may. Why did you get afraid and take the car away?": Accused 1 got very angry about the order for attachment having been issued in respect of his car: then they both went inside the Court premises to the Nazir's room and ascertained that the attachment order had been for the recovery of a sum of Rs.41-4-0: Accused 1 told Ponnambalam to stay outside while he made inquiries about depositing the money: after that Accused 1 rejoined him, and they both went back to Ulsoor, where Accused 1's house is, by bus: they went to Accused 1 's house, and after a little time Accused 1 told Ponnambalam to bring the Talbot car he brought the car from the shed, and then Accused 1 said to him "The lawyer is worrying me. Something must be done.": Accused 1 called Accused 2, his gardner. and told Accused 2 to go and get

to Ponnambalam to put it in the car, which Ponnambalam did: they went off to Murigesapalaya which is close to the road from Bangalore to Whitefield: on the way they met the Domlur Patel as Ponnambalam calls him, picked him up and drove him as far as Domlur, which is nearer to Bangalor than Murigesapalyam: they then went on to the house of Misri, P.W.21: there Accused 1 borrowed from Misri a motor van, M.O.4, belonging to Misri and told Ponnambalam to put all the things out of the Talbot car into the motor van: Ponnambalam put a petrol-can, a rope, the overcoat and the gun into the motor van: they left the Talbot car in Misri's compound and drove the motor van, M.O.4 to Murigesapalyam: there they called Accused 4 to join them, and he got into the car: then they drove back to Accused 1's house in the Cambridge Road and picked up Accused 2 and Accused 3, who were there: Accused 1 told those two to get into the van: Accused 3 had a rope with him: from

southwards through Cottonpet: at a road junction, a hundred yards south of Mr. Krishnamurthi's office, they saw Mr. Krishnamurthi walking: Accused 1 then said to Accused 3 "This is the lawyer. If opportunity occurs at a convenient place, he must be lifted and put into the van.": they went on as far as a lane in Taragupet: there Accused 1, who was driving, stopped the van and told Ponnambalam to bend the number-plate, which he did: then they went on to a point opposite the Minto Hospital and went again into a side lane and came round opposite the Sanskrit College, where they stopped: they waited there for some time: then they ~~awa~~ saw Mr.Krishnamurthi coming along towards Basavangudi, i.e. southwards from his office: when Accused 1 saw Mr. Krishnamurthi he told Accused 2, 3 and 4 to get out of the van and to follow Mr. Krishnamurthi and said he would go in advance and that he would go on to the National School maidan or playing-field and that at a proper moment they must catch hold of Mr. Krishnamurthi and put him into the van: Accused 2 to 4 got out of the van and followed Mr. Krishnamurthi: a little later Accused 1 told Ponnambalam to follow them and said he would go to the National School maidan: Ponnambalam got out of the van and followed the others: then Accused 1 went in advance in the van Accused 2 and 3 were following Mr. Krishnamurthi, and Accused 4 and Ponnambalam were following a few yards behind them: when they got to the National

playing-ground, Ponnambalam saw the van, M.O.4, already on the playing-ground: they all went into the playing-ground ~~towards~~ toward the van: Mr.Krishnamurthi did so too in order to cross the playing-ground to go to Basavangudi, where it appears he lived: by that time Ponnambalam noticed that the flap-door at the back of the motor van had been opened: when Mr. Krishnamurthi got near the van, as he crossed the play-~~ing-ground~~ ing-field, Accused 1 reversed the van in an attempt to hit Mr. Krishnamurthi with it: but Mr. Krishnamurthi avoided the van and went round and abused the driver of the van: Ponnambalam and Accused 2, 3 and 4 were then 15 or 20 feet from the van, Accused 2 and 3 being next ~~being~~ behind Mr. Krishnamurthi: suddenly Accused 2 caught hold of Mr. Krishnamurthi's feet and Accused 3 held him round his chest from behind: Mr. Krishnamurthi called out "Oh!": the van moved a little forward, and then Accused 2 and Accused 3 pushed Mr. Krishnamurthi into the van over the flap-door: by that time Ponnambalam and Accused 4 had come up to the van: Accused 4 helped to push Mr. Krishnamurthi inside the van and got into it himself, as did Accused 2 and 3: Ponnambalam also got into the van and shut the flap-door: then Accused 3 pressed one hand over Mr. Krishnamurthi's mouth, and with the other he put a rope round Mr. Krishnamurthi's neck and drew it tight: that rope is M.O.5: Mr. Krishnamurthi was then lying on his left side:

circle and then towards the Lal Bagh: Ponnambalam was sitting at that time on the front seat by Accused 1: till they got near the Basvangudi circle Mr. Krishnamurthi was breathing hard: after that they heard no such sound from him: then they went along the road by the side of the Lal Bagh into the Mental Hospital Road and drove along it and a little way down the Anekal Road: after that they returned and went by the Shoolay Road to Ulsoor: when they came to Artillery Road, which is close to Cambridge Road, Accused 1 made Ponnambalam get down and asked him to find out whether anybody had come to Accused 1's house: Ponnambalam went and came back and told Accused 1 that no one had come: when he returned, the van was where he had left it, but Accused 4 had gone away: Ponnambalam got into the van, and the rest of them then went to the place where buses stop behind what he describes as R.B.A.N.M's School: there they stopped: then Accused 1 sent Ponnambalam to Padmanabhan's petrol-pump to get two gallons of petrol: Ponnambalam went there and gave a credit-chit and got some petrol, which he brought back to the van -- that means that the van was not taken to the pump but the petrol was brought to the van in a can: then they drove in the van to South Parade and so back again to Murgesapalayam: they did not stop there but went on further down the Whitefield Road to Konena Agrahara, and there

the other rope, M.O,5, was round the neck: Accused 2 and Accused 3 were left at that place: Accused 1 and Ponnambalam came back in the van to Misri's house: in the van there were a turban, a panche a pair of spectacles, a pair of sandals and a walking stick belonging to Mr. Krishnamurthi and also the double-barrelled gun, the overcoat and the petrol-can mentioned before: Ponnambalam transferred all those things from Misri's motor van to Accused 1's Talbot car: they left the van at Misri's house: Accused 1 had borrowed a motor pump from Misri: the Accused 1 and Ponnambalam went back in Accused 1's car to the place where Mr. Krishnamurthi's body had been left at Konena Agrahara: they removed the body from the tope to Accused 1's Talbot car, M. O. 3, where they put it by the back seat and covered it with the overcoat: then Accused 1, Accused 2, Accused 3 and Ponnambalam went in Accused 1's car to Padmanabhan's petrol-pump in order to get a tyre blown up, but as there were two other cars there, they did not ~~got~~ get that done they went on to the Bellary Road and so got into the Dodballapur Road and travelled along it 10 or 10½ miles:

where Accused 1 told Accused 2 and 3 to get down: he told them that he would send Ponnambalam with a taxi in order that they might take the body further away from Bangalore: then Accused 1 and Ponnambalam drove to a place near the Globe Theatre where Accused 1 told Ponnambalam to bring taxi-driver Abdul Rahman, P.W. 29, which Ponnambalam did: Accused 1 asked Abdul Rahaman to lend his taxi to him, and Abdur Rahman lent the taxi, M.O.14, as requested, but did not accompany it: Ponnambalam himself took charge of that taxi: Accused 1 went away to his house after supplying Ponnambalam with Rs.15/-. Ponnambalam drove that taxi car, M.O.14, towards Ulsoor and picked up Accused 2 and 3: then he went with them in the taxi to Padmanabhan's petrol-pump again and there purchased 4 gallons of petrol for ~~cah~~ car: from there they went to the place where Mr. Krishnamurthi's body had been left in the casuarina tope near the Dodballapur Road: they put the body into the ~~xxx~~ taxi car and drove on towards Maklidroog: at the third level-crossing on that road from Bangalore they had to blow their horn and get the gate-keeper to open the gate; from there they continued to the Subrahmanya Ghat Road and went 200 yards along it: it was very dark then: as they could not go along that road further on account of darkness, Ponnambalam stopped the car, and Accused 2 and 3 removed the body from it and put the body by the side of the

that he would give it after the train had gone by, they came on to Bangalore without it; when they reached Trinity Church Accused 2 and 3 got out of the taxi-car: Ponnambalam gave the overcoat, which he identies as M. O.2, to Accused 3 and told Accused 2 and 3 to go to Accused 1's house: then Ponnambalam took the taxi-car back to Abdur Rahman, P.W. 29, and paid him Rs. 7-8-0, telling him to get the balance from Accused 1: it was then 5 A. M. on Sunday morning: Ponnambalam went to Accused 1's house and saw Accused 2 and 3 there: he reported to Accused 1 all they had done: then Ponnambalam and Accused 3 went to Accused 1's apple-orchard taking the over-coat, M.O.2, with them: about 7-30 on that Sunday morning Ponnambalam returned to Accused 1's house, and he saw Accused 1 and Accused ~~xxx~~ 5 talking together near the back gate of Accused 1's compound: Accused 1 told Ponnambalam to return the pump, which had been borrowed from Misri, and Ponnambalam returned it to Misri about 10-30 A. M. that day. Ponnambalam adds that on the morning of the 2nd of March Mr.Narasiah, P.W.104, who was then Accused 1's Advocate, told Accused 1 that the will case, i.e. a suit for probate of Muninanjappa's will in the Civil and Military Station District Court had come up for hearing already three or four times and th had been posted to the 4th of March and that on that day Accused 5 should appear in Court and produce the will.

urged before us and as was urged in the Sessions court, the evidence of an approver, a man who took a prominent part in the horrible offences which he relates, and therefore the evidence by itself is of less value than would be that of any other person giving evidence as a witness. But ~~xxxxxxxxx~~ what the approver tells us in his evidence appears for such a tale to be a natural story told well; and Ponnambalam appears to have stood the test of cross-examination well. Some support is to be found for his story in a confession which he made on the 19th of March to a Magistrate, P.W.49, a confession which he made, so far as the evidence shows, before there was any idea of making him an approver in the case, a confession which he threfore made in circumstances of the gravest danger to himself. But we should naturally look in a case such as this for other corroboration of the approver's story: and we find ~~xxx~~ it corroborated in a remarkable way on a large number of points, some of great importance and some of minor importance.

To begin with there is the evidence of P.W.51, a taxi driver, who supports Ponnambalam's account of his visit with Accused 1 to Accused 5' house in Gandhi Nagar on the morning of the 2nd of March and his story of the meeting between Accused 1 and Accused 5 outside the Ananda Bhavan Hotel not long afterwards that morning.

They say that Accused 5 did not go with them in a car which stopped at the Ananda Bhavan Hotel that morning. Their evidence contradicts the evidence of Ponnambalam and P.W.51, who xxx there is no - doubt, drove the car in which Accused 5 travelled that morning. About that incident the learned - Judge has believed those defence witnesses and has not believed the approver, Ponnambalam, and P.W.51 in that part of the story. P.W.52 has given - evidence that he saw Accused 1 and Accused 5 - talking together for a minute in the District - Court buildings, where Ponnambalam says Accused went to find Accused 5 that day. P.W.52 puts - the meeting at about 1 O'clock, which is earlier than it could have been according to Ponnambalam story; but that is a minor variation. P.W.57, a Bench Clerk, says he saw both Accused 1 and - Accused 5 in the Court where he was at work that morning. P.W.20 says that he told Ponnambalam - about the warrant for the attachment of Accused - 1's ~~case~~ Car. About Accused 1 having got angry when he heard that an order for the attachment of his car had been made Ponnambalam's evidence is - supported by that of an Advocate, P.W.97, who was then appearing for Accused 1 in some cases. P.W.97 says that Accused 1 was upset about it. P.W. 56

belonging to Accused 1 his evidence is corroborated by P.W.43, who works at that pump, and the credit-chit, Exhibit P.98. The man mentioned by Ponnambalam as the Domlur Patel has been examined as P.W.63 and supports Ponnambalam about the lift he got in Accused 1's car. Misri, P.W.21, has given important evidence. He says he farms his own land and knows Accused 1, who also farms some land: on the evening of the 2nd of March about 6-45 Accused 1 came to Misri's house in his Talbot car, M.O.3, with Ponnambalam and asked for the loan of Misri's motor van, giving as a reason that the back axle of his own Talbot car was giving trouble (which it appears was false): Accused 1 said he wanted the van to go to the village" as Misri puts it: so Misri lent the van, M.O.4, to Accused 1, and Accused 1 and Ponnambalam went away in it: they came back and returned the van at 9 P.M. that day: Accused then told Misri that he had knocked over a goat and that he did not want anybody to know that he had borrowed Misri's van: then Accused 1 and Ponnambalam went away in Accused 1's car, which had been left in Misri's compound: the next day about 11 A.M. Ponnambalam came and returned the motor-pump, which Misri had lent to Accused 1, and , when he did so, Ponnambalam told Misri that there had been an accident

and that is supported by the chit Exhibit P.104(a). P.W.83, an Advocate, who was working as Mr. Krishna murthi's junior and helping him in his office, says that at about 7-35 on the evening of Saturday, the 2nd of March, Mr. Krishnamurthi changed his clothes, put on a dhoti and coat, left his office in Cottonpet and started to walk to his house in Basavangudi: he used to go across the National High School playing-field on his way home. P.W.17 says he knew Mr. Krishnamurthy, and he saw him at 7-30 or 8 P.M. that night going past the Apex Bank southwards towards Basavangudi -- that would be on the direct route from his office to Basavangudi. P.W.18, a Government clerk, says that that evening about 7-45 P.M. he met Mr. Krishnamurthi in Hardinge Road: Mr. Krishnamurthi was going to Basavangudi. P.W.14, another Government clerk, says that on Saturday, the 2nd of March, at 8 P.M. he was bicycling along Hardinge Road: as he was going south he saw a motor van similar to M.O.4 in the National School playing-ground: after he had gone a little further he heard from the place where the van was then standing a faint cry: then that motor van came to Hardinge Road and overtook him, took a turn towards North Road and went towards the Lal Bagh. P.W.15, another Government clerk, says that on the evening of the 2nd of March he went for a stroll in the National School playing-field about

somebody being beaten and somebody shouting "Ayyayyo Ayyayyappa": then the car started and began to go towards Hardinge Road: from there it turned left, and he saw it again in front of the Basavangudi - Circle: he saw 4 or 5 persons in the car at the - place where it had stopped. P.W.16 says that on the 2nd of March at 8 O'clock he was going along Harding Road towards Basavangudi: he heard a cry from the National School playing-field: he looked into the field and saw a car like M.O.4 coming from it. P.W.2 who is a peon of the Senior Surgeon's Office, says that he was going to the Senior Surgeon's house abou 8 O'clock on the evening of the 2nd of March: on his way he passed through the National School playin field and saw a van there like M.O.4: he saw it go at a high speed towards Hardinge Road and heard some one crying out loudly: he stretched out his ~~hand~~ han to stop the van: it did not stop but went into - North Road and then towards the Lal Bagh at high - speed. P.W.13, the motor-driver of Mr. ~~Krishnamurthi~~ Ramakrishna Iyengar, First Munsiff of Bangalore, who lives in Hardinge Road, says that he saw the van, - M.O.4, on the evening of the 2nd of March in the - National School maidan about 7-30 or 8 P.M.: he -

col

M.O.4, his evidence is supported by that of P.W.43, who works at that pump. He says that their rules prevent them from supplying petrol in a can, but Ponnambalam told him that the car for which he - wanted petrol had stopped near the R. B. A. N. M's school; Ponnambalam said it was a van, and the witness saw a van like M.O.4 standing there and - then supplied him with two gallons of petrol in a can in accordance with the chit Exhibit P.99. In support of the statement that they put Mr. Krishna murthi's body into a casurina tope about 10 miles down the Bangalore- Goribidnur Road and left it - there for a time there is evidence that a hand - kerchief, M.O.28, which has been identified by two dhobies, P.Ws.31 and 32, as belonging to Accused 1, was recovered from that place. Unfortunately and very surprisingly very vague evidence has been - given by two Police Officers, the District -- Superintendent of Police and the Inspector of - Polcie, who investigated this case, P.Ws. 86 and 102, about the recovery of that ~~kan~~ hand-kerchief. The Superintendent of Police says that Accused 1 pointed out the place where the hand-kerchief was found, but he does not identify the hand-kerchief as M.O.28. Neither of them says on what day that was done. It is strange that Police Officers - should give their evidence in such a vague way: - and it is also strange that the Public Prosecutor should not have examined them on the point more - carefully.

When we come to the part of Ponnambalam's story about throwing some of Mr. Krishnamurthi's possessions into the Hebbal Tank, there is plent of corroboration. P.W. 45 says that he recover from the tank the sandals, M.O.7, and the turban M.O.8. P.W. 46 says that he recovered a bakeli ash-tray, M.O.9, which fits and appears to belon to Accused 1's Talbot car, M.O.3. P.W. 55 says that he recovered from the tank the walking stic M.O.6. All those things, except the ash-tray, have been satisfactorily indentified as Mr. Kris Murthi's. P.W. 66, the Shanbhog of Hebbal, and P.W.102, the investigating Police Inspector, giv evidence that those things were recovered on the 10th of March. Abdur Rahaman, P.W. 29, gives evidence in support of Ponnambalam's story that Accused 1 borrowed Abdur Rahaman's taxi without Abdur Rahaman in the strange way Ponnambalam relates and also supports Ponnambalam in his statement that he returned the car in the early morning and paid him part of the hire for it. P.W. 42 supports Ponnambalam's statement that he bought 4 gallons of petrol for cash for that taxi car; and that evidence is supported by Exhibit P-106(a), in which the number of the taxi car is mentioned. P.W. 10, the gate-keeper of the third level-crossing gate on the Bangalore Goribidanur Road, gives evidence that the taxi ca M.O.14, came to his gate on a Saturday in the

Then we have unquestioned evidence that Mr. Krishna Murthi's body was found at the place where Ponnambalam says it was put near the side of the cross-road to the Sri Subrahmanya Swami Temple; and there is evidence that the two ropes, M.Os. 1 and 5, were found on it at that time. In regard to what Ponnambalam says about the night being dark when they got to that place, it is to be noticed that the moon rose that night about 2 A.M., which fits in with his story that it was dark when they got there. P.W. 12, who works at the first level-crossing gate on the road from Bangalore to Goribidanur, says that on the night of the 2nd of March the taxi car, M.O. 14, came from the Dodballapur side about 2 or 2-30 A.M: the gate had been closed as a train was coming: the approver, Ponnambalam, sounded his horn and asked for some water on the ground that his engine had become hot: but they went away without getting water as someone in the car said that it was unnecessary. P.W. 69, Anniah, says that at 6 A.M., on a Sunday morning, which his evidence shows was the morning of Sunday, the 3rd of March, he was at Accused 1's apple orchard, where he was a night watchman, and he saw Accused 3 coming to the orchard carrying the overcoat, M.O.2. P.Ws.53 and 54 support Ponnambalam's statement that he saw Accused 1 and Accused 5 talking together at Accused 1's compound on the morning of Sunday, the 3rd of March.

on a large number of points; and it has not been suggested that any of those witnesses except in regard to two parts of the story which I have already mentioned, has any reason for giving false evidence in the case or is in the least likely to have done so. There is contradictory evidence, as I have mentioned, in regard to the first incidents in Ponnambalam's story -- his visit with Accused 1 on the morning of 2nd of March to Accused 5's house in Gandhi Nagar and the meeting of Accused 1 and Accused 5 a little later on that morning outside the Ananda Bhavan Hotel. In regard to the meeting of Accused 1 and Accused 5 on the Sunday morning at Accused 1' compound the learned Judge has not accepted the evidence of Ponnambalam and P.Ws. 53 and 54. Al other parts of Ponnambalam's story he accepts as established.

That is the evidence of what happened on the evening and night of the 2nd March in regard to the incidents with which we are concerne in this case. But we must go some distance further back into history in order to understand this case. There is evidence that Accused 1's father, Muninanjappa, who died, as I have mentioned, in January 1935, left a widow, Lakshmamma, and six sons and three daughters, all those children being minors at that time except Accused.

alleged will of Muninanjappa, produced in this case as Exhibit P.157. As has been pointed out by Mr. Srinivasa Iyengar, who appears for Accused 5, considering what we know about Muninanjappa's property and family there is nothing surprising or unnatural in the terms of that will. But its provisions, if effective, appear to have given Accused 1 advantages, which he would not have got, if his father had died intestate. Under the provisions of that will Accused 1 was to get a larger house than any of his brothers; he was to get about Rs.17,000/- in cash, he was to get a number of shares in a Bank; and out of the residue of Muninanjappa's moveable property, mainly capital invested in money-lending, he was to get a 2/7 share instead of the 1/6 share, which he would have got, if his father had died intestate. Lakshmamma, Muninanjappa's widow and Accused 1's mother, disputed that will almost from the first, and she is disputing it still. She alleges that Muninanjappa executed no will or no valid will. The evidence shows that for some months there were negotiations, in which an Advocate for Lakshmamma and Accused 5, as Accused 1's lawyer took part, regarding those disputes between Lakshmamma and Accused 1. Lakshmamma and her Advocate were demanding a copy of the will of which the original was in Accused 5's custody.

Accused 1 were to be joint guardians of Muninanjappa's minor children. Those negotiations did not have a happy ending. And in November 1935 Accused 1 filed an application to be appointe or declared guardian of the property of his minor brothers and sisters, which was registered as Miscellaneous Case No. 67 of 1935-36 in the Bangalor District Court. He made that application on the strength, as he alleged, of his father's will, Exhibit P.157; and having made that application got from the District Court at once a prohibitory order to the Bank of Mysore in respect of large sums of money put by Muninanjappa in fixed deposi in the names of his respective children. In those proceedings Accused 5 appeared as Accused 1's Advocate. Lakshmamma opposed those proceedings, denying that Muninanjappa had left any genuine or valid will. Mr. Krishnamurthi appear for Lakshmamma in those proceedings and continued to appear for her in all the varied litigation between her and accused 1 until his death. According to Accused 1's story about that will it had been entrusted by Muninanjappa, after he executed it on the 5th of January 1935, to Accused 5, who had dictated the wording of the will under instructions from Muninanjappa and who had superintended the execution of the will.

adopted the manoeuvre of putting in an application for guardianship in the District Court, professing to rely upon the will and so trying to get it established in summary proceedings under the Guardian and Wards Act. I am very much surprised that any opportunity of pursuing that manoeuvre was given to him in the District Court. The minor children of Muninanjappa, if he died intestate, had a natural guardian in their mother. Until it was established that by a will validly executed by Muninanjappa he had appointed someone else or someone else with Lakshmamma to be guardian of his minor children or their property, there was no basis for such a guardianship application as was put in by Accused 1; and no one could have realised that better than his Advocate, Accused 5. Accused 1 explained, as has been pointed out to us, in other proceedings that he adopted that manoeuvre in order to avoid paying the fee which he would have had to pay upon an application for probate. That may have been one of his reasons. But in the curious history of his connection with this will it appears very possible he had other reasons also. When Accused 1 made that application for guardianship, he did not produce the document, Exhibit P.157, which he alleges is his father's genuine and valid will. There is dispute whether he even produced a copy of ...

Accused 5's possession. Accused 5, who had filed the guardianship application for Accused 1 and had represented him in it until that time, the retired from those proceedings. It appears that he remained Accused 1's Advocate in other litigation for about a year longer. But from March 193 there is nothing to show that he was Accused 1's legal adviser or appeared for him in any Court.

I have mentioned my surprise that the guardianship application was not dismissed at once in the District Court. Unhappily it was allowed to remain pending for nearly 3½ years until it was disposed of in April 1939 by the appointment of the Official Receiver of Bangalore to be the guardian of the property of Muninanjappa's minor children or those who still remained minors after that long lapse of time. Before that order was made Accused 1 had started a still more curious proceeding. In October 1937 he file Original Suit No. 11 of 1937-38 in the Bangal District Court against his mother, Lakshmamma and his eldest sister, praying for declaratic in regard to their interests under the allege will in certain amounts in fixed deposit in the Bank of Mysore. That is one of the most extraordinary suits of which I have ever hear Accused 1 prayed the District Judge to make a declaration or declarations interpreting the terms of a will, which had never been proved and of which Accused 1 did not then propose t ask for probate.

Accused 1 prayed. There again he was trying by a side-wind to establish the will, which he hesitated to take any proper steps to get proved. Unfortunately again he was able, as soon as he had filed that suit, to get an injunction restraining Lakshmamma and her eldest daughter from exercising any rights over the fixed deposits in question. That suit, which ought, I have no doubt, to have been dismissed at the very first hearing, was after a lengthy history dismissed on the 25th of March of this year. On the 30th of June 1939 Accused 1 at last applied, at almost 4½ years after his father died, for probate of his father's will, as he represented it, Exhibit P.157, in the Bangalore District Court; and that application, because it was contested by Lakshmamma, became Original Suit No. 10 of 1939-40 of that Court. It is another extraordinary feature of this history that that suit, in which Accused 1 eventually brought himself to ask for probate of the will, was dismissed for default of prosecution on the 24th of February of this year.

Now it will be seen from that story that for years Accused 1 fought shy of establishing the will of his father, according to the terms of which he was executor and which he professed to regard as a genuine and valid will. The evidence in this case shows that he had tried to get benefits under that will and to establish his position as guardian under that will without putting it to the test of a probate suit.

extraordinary suit for declarations. And, when even tually he had felt driven to apply for probate of the Will, he had not prosecuted that proceeding seriously His shifty proceedings and lack of determination in establishing that will had been opposed throughout by the determination of Lakshmamma, his mother, who had been backed up, as the evidence shows, very vigorously by Mr. Krishmamurthi. The evidence shows that Mr. Krishmamurthi, as his junior P.W. 30 says, took more than a professional interest in urging Lakshmamma's cause in those proceedings. In a number of applications and affidavits, which were filed by him, we find very serious and very violent allegations against Accused 1. It is quite probable that it was his vigorous and determined support which helped Lakshmamma to keep up the battle in the spirit she displayed.

have mentioned that in the suit for a declaration Accused 1 succeeded in getting an injunction restraining Lakshmamma and her eldest daughter from dealing with the fixed deposits, which were concerned in that suit. Against that order of injunction an appeal was brought by them to this Court, Miscellaneous Appeal 1 of 1939.

In that execution application Mr.Krishnamurthi appeared for Lakshmamma. It is not unnatural that, as Ponnambalam says, Accused 1 was very angry on the 2nd of March when he found that a warrant had been taken out for the attachment of his car. And I think Mr.Ramaswami is right in representing that it is very likely that as the last straw it infuriated Accused 1 against Mr.Krishnamurthi, who had been opposing his improper manoeuvres for years and through the mouth of Lakshmamma and as Lakshmamma's representative had been making most serious allegations against Accused 1.

Accused 1 was arrested on the 8th of March, and on the 9th of March he made a confession, recorded in Exhibit P.107, before Mr.Ramaswamiah, the City Magistrate of Bangalor P.W.48. In that confession he says:- "There have been suits between me and my mother for the last 2 or 2½ years. They are going on for the last 5 years. Mr.S.K.Venkataranga Iyengar (Accused 5) was my lawyer. Mokshagundam Krishnamurthi was the lawyer for my mother. There is bitter enmity between the two. I did not know of it at first. I came to know of this some 2 or 2½ years back. Mr.Venkataranga Iyengar was telling me so many things now and then against Krishnamurthi.

Mr.Misri's car from the estate in Whitefield Road, and with 4 servants I went near the National High School. The servants lifted Mokshagundam Krishnamurthi, who was going there, and put him into the car." Then the Magistrate asked Accused 1 who those servants were, and he said they were Ponnambalam and Accused 2, 3 and 4. The confession went on: "After putting Mr.Krishnamurthi into the car we went and left him in the casuarina tope near Misri's estate in the Whitefield Road, left the car at the estate and put him again in my own car and left him in a bush near the 10th mile on the Dodballapur Road, and after this we returned." The Magistrate then asked "Was he alive then?", to which Accused 1 answered "No." The Magistrate asked "If so, where did his life become extinct? And when? to which Accused 1 answered "He must have expired as we were reaching the estate. I do not know. I was driving the car. The servants were sitting behind with him." The Magistrate then said "Next", and Accused 1 said "Afterwards we came away to the taxi stand at Shoolay. Munimaddura got down near Misri's estate, and he did not accompany us to the 10th mile stone." Then the Magistrate asked "What was the time then?", and Accused 1 answered "It was perhaps 8-30 or 9 in the night." The Magistrate went on "Next", and Accused 1 said "I went away

went away to take the dead body further. I do not know to what place they took it." Then the Magistrate said "Next", and Accused 1 went on "Mr. S.K. Venkataranga Iyengar, whenever I went to him, was telling me that Mokshagundam was keeping my mother and was asking me how I was tolerating it, and he was also telling me that he was visiting my mother's house constantly. He said the same thing even on Saturday. He said it in such a manner as to enrage me." The Magistrate then again said "Next", and Accused 1 said "On Monday the 4th my father's will had to be produced in the District Court, Civil and Military Station. I went to inform Mr. Venkataranga Iyengar of this on Saturday. He had asked me to go near the District Court. Accordingly I went there. It was then that Mr. Venkataranga Iyengar spoke as stated above." The Magistrate then asked "Have you anything more to say?", and Accused 1 answered "I had no intention of murdering Mr. Krishnamurthi. I had only the intention to threaten him. I had told the servants to let him go after threatening him." In connection with the reference to a case in the Civil and Military Station I may mention that in July 1939, after the probate application in the Bangalore District Court, Accused 1 filed an application for probate of the same will in the District Court of the Civil

The learned Judge in the course of his judgment has devoted a good deal of discussio to the question whether the confession of Accused 1, which I have just read, can be regarded as voluntary. He finds some reasons, with which I do not agree, for regarding the questions put by the Magistrate to Accused 1, as recorded in that confession, as improper; and he thinks that they have had the effect of making part of Accused 1's confession, as recorded in that document, not a voluntary xxxx confession. I do not think that any question as recorded there, which the Magistrate put to Accused 1 to elicit what he meant, or his indications to Accused 1 by the word 'Next' that he was ready to go on recording what Accused 1 had to say could have the effect of rendering the confession not voluntary. But really the question whether it was a voluntary confession or not, so far as Accused 1 is concerned, does not arise, as Accused 1 has adopted that confession as his defence in this case and it is still his defence, so far as he defends himself. In the committing Magistrate's Court he refused to say anything further. In the Sessions Court he put in a written statement to the following effect: "I bore no illwill to the late Mr.Krishnamurthi.

towards S.K.Venkataranga Iyengar he would not do so. It is true on the 2nd of March 1940 I was provoked as stated before the City Magistrate but it was my intention only to threaten Mr.Krishnamurthi with a vague notion that he may compromise the cases or at least that he may not give room for allegations affecting our family reputation. I wanted to take him to the Rao Bahadur Venkataswamy Naidu's estate in the Anekal Road and leave him there after abusing him and ourselves come away ahead and reach our homes. With that view I asked my servants to put Mr.Krishnamurthi into the van. I did not take the double barrelled gun. Nor did I take or get to be taken any rope. I did not say he must be finished etc, and I never talked to my servants in Kanarese. As I thought I might be covering about 20 to 25 miles I put only one gallon of petrol into the van. It is true that I reversed the van once in the National High School grounds, but it was only to obstruct Mr.Krishnamurthi. Once he was put into the van, I was oblivious of everything but to dash away to the Anekal Road with terrific speed, which I reached in 3 or 4 minutes, and I proceeded towards Rao Bahadur Venkataswamy Naidu's estate. I stopped the van and asked my servants to bring Mr.Krishnamurthi out.

died of shock and his death was accidental. It was only when the case was being investigated by the Police that I heard that a rope was found round Mr.Krishnamurthi's neck. Soon after I learnt that Mr.Krishnamurthi was dead I got panicky and did not know what to do. I first got the body hid in the tope near Konan grahar. Then I changed my mind and got it removed near Puttanahalli. After coming to Bangalore I was still puzzled. So I sent Ponnambalam to remove the dead body elsewhere. I never saw the dead body of Krishnamurthi. It was dark and except at Misri's estate, where I changed into his van and back again to my car, I was seated at the steering wheel from the time I left my house till I returned home that night. It is not true that I pointed out the spot where the dead body was placed near Puttanahalli village. It is Ponnambalam that did it. Nor is the kerchief produced into Court mine. I knew only the place in the main road where I had stopped the car that night. I am struck with horror at the death of Mr.Krishnamurthi. But I never intended it nor did I expect that anything of the kind would happen. Even such intentions as I had and such acts as I did I know are wrong, but I was the victim of circumstances. I am now full of remorse, have stated the whole truth and throw myself at the mercy of the Court."

statement, admits a great deal of the prosecution case, admits, so far as he is concerned, almost all the story told by the approver, Ponnambalam, in his evidence. But Accused 1 represents that, though he got his servants to abduct Mr.Krishnamurthi and to put him by force into the motor van in the National High School ground, he had no intention that Mr.Krishnamurthi should be killed: his intention was only that he should threaten Mr.Krishnamurthi in order to induce him to drop his opposition to the will and alter his conduct in the other ways mentioned.

Mr.Grant for Accused 1 has tried to persuade us that, because Accused 1 made a confession to that effect, admitting part of the prosecution case against him, but denying the rest, we must accept the whole of Accused 1's story as told in his confession and in his written statement in the Sessions Court and we must accept his explanation that, although he did so much of what is alleged against him by the prosecution, he had no part in the murder of Mr.Krishnamurthi and he did not abduct Mr.Krishnamurthi with intent that he should be murdered.

evidence for the prosecution, a large part of which he has admitted. The fact that an accused person admits part of the prosecution evidence against him, denies the rest and offers an explanation of his conduct different from that which is shown by the prosecution evidence does not compel the Court to throw over the prosecution evidence and accept the accused's story to its end. We must consider Accused 1's explanation and see whether it is a probable explanation, which fits in with the facts established by the prosecution evidence and to a large extent admitted by Accused 1 himself. It will be noticed that the deliberate, violent abduction of Mr.Krishnamurthi with the help of Accused 1's servants is admitted by him. Then he gives an explanation of what happened, so far as he was concerned, after Mr.Krishnamurthi was put into the motor van at his instance and under his directions. His explanation is that, so far as he was concerned, there was no intention to do any mor to Mr.Krishnamurthi, after he had been taken away in the van in that manner, than to threaten him.

And, if Accused 1 had carried off Mr.Krishnamurthi, as he represents he intended, to some comparatively distant place and then had threatened him, what did he propose to do if Mr.Krishnamurthi did not accede to his threats? We have no explanation of that. What reason could he have had to suppose that Mr.Krishnamurthi, if he was left alive, would not have complained against Accused 1 and his servants for their treatment of him? If Accused 1, though he represents it was only threats he meant to use, meant to carry his illtreatment of Mr.Krishnamurthi further than that, to the extent of beating him or illtreating him in another way short of murder, what reason could he have had to suppose that Mr.Krishnamurthi would not have prosecuted him for doing that with very serious consequences to himself? If Accused 1 really wished to put a stop to Mr.Krishnamurthi's strong support of Lakshmamma against Accused 1's curious manoeuvres in connection with the will, if he was to prevent Mr.Krishnamurthi from pursuing the serious allegations which had been made against Accused 1, could Accused 1 have had any hope of shutting Mr.Krishnamurthi's mouth except by shutting it for ever? The only hope of carrying out a plan begun by the abduction of Mr.Krishnamurthi in the way admitted in order to prevent him giving any more trouble to Accused 1 was, it appears, to kill him and dispose of his body.

indications in the proved facts of this case that Accused 1 was not a man committing a deliberate, coldblooded murder, and that there is something in the evidence to support his explanation that he never intended Mr.Krishnamurthi to be killed and that he got into a panic, when he learnt to his horror and surprise that that had been done. Mr. Grant points to the fact that, instead of disposing of the body at once, Accused 1 took it or had it taken from place to place and went about here and there with it. Mr. Grant urges us to take that as an indication that Accused 1 was acting, after he discovered Mr.Krishnamurthi's death, in a state of panic and horror at something having happened which he never intended. That is an argument certainly to be taken into consideration. But, if, as Mr.Grant represents, the evidence shows that Accused 1 had no settled plan beforehand what to do with the body, the explanation of that may be that he set out upon this horrible expedition, which he admits, in anger and without sufficient forethought. And does the fact that the body was carried about from place to place really indicate panic? It may be represented that it indicates that Accused 1 was capable of devising a clever way of covering his tracks.

some distance into the country in Misri's van to dispose of the body, he would have been bringing down suspicion on his head immediately. He had borrowed Misri's van to go, as Misri says, to the village close by. If he had kept that van for a long time and brought it back the next morning or very late in the night, Misri would have required an explanation. And then, if after the transfer of the body to Accused's own car, it had been taken, not merely 10 miles from Bangalore, as he admits it was, but taken further away for the rest of the 30 miles to the place where it was eventually found in the same car by Accused 1 himself, Accused 1 would have been absent from his house a large part of that night, which might well have brought - suspicion upon him immediately. The fact that the body was taken in different directions in different cars may well be represented, not as an indication of panic, but as an indication of coolness and - cleverness. And Mr. Grant represented that - something might be inferred from the fact that the body was eventually put in a not very good hiding place. Now we must remember that Accused 1 left it to his servants to dispose of the body in the third stage of the journey.

show that the place where they actually put it was a bad place, where it was likely to draw attention at once, as Mr.Grant has represented? So far as the evidence shows, no one noticed the body in the pit where it was put in for nearly 36 hours. That is not surprising if the body was put in rough - country near an unfrequented road. And will the Accused's story that he did not intend Mr.Krishna-
killed been examination in other ways? How did
murthi to be kept quiet after he had been put into the van? He must have known that, unless violence was done to Mr.Krishnamurthi, he would cry out and that, as the van went through Bangalore or the parts of Bangalore which Accused 1 intended to traverse his cries might well be heard and attract attention. He must have intended such violence to be done to Mr.Krishnamurthi as would keep him quiet. And is it at all likely that Accused 1 as he was driving did not hear or notice the sounds of a struggle behind him in the van? The van had no partition between the driver's seat and the back. It was possible for Accused 1 to look over the driving seat and see into the back of the car, though - perhaps he could not see the floor of it. He must have heard the struggle, which went on, and he must have heard Mr.Krishnamurthi's cries.

the Anekal Road, after he stopped the car there, that Mr.Krishnamurthi was dead. Does ~~this~~ his own behaviour, according to his own statement, make that in the least probable? It will be - remembered that his second statement, which I have read, was a written statement prepared deliberately months after the event for use in the Sessions Cour Now according to that statement, when Accused 1 discovered, as he would represent, to his horror and surprise, that Mr.Krishnamurthi, whom he - intended merely to take away and threaten, was said by his servants to be dead, he took no trouble at all to verify whether Mr.Krishnamurthi was really dead or had merely fainted. He did nothing whatever by way of attempting to revive - Mr. Krishnamurthi. According to his own account he never looked at Mr.Krishnamurthi's body. Is tha the conduct of a man who hears suddenly to his surprise and horror that the man, whom he was carrying away to threaten, is dead? It cannot be represented that, because it was then dark, Accused 1 could not have examined the body. There were the lights of the motor van, by which he could have seen all that was necessary. But he admits that he never looked at the body.

had taken the van back to Misri's house. Accused 1's conduct is at entire variance with his explanation According to his conduct, as he admits it, he went on sitting at the wheel of that van, not as a - shocked and surprised man, but as a callous man, whose plans had been carried out in accordance with what he expected and intended.

Ponnambalam in his evidence does not appear to have been trying to make things black for Accused 1 in any way. In his cross-examination he says: "Accused 1 did not see the rope being tied round the neck of M.Krishnamurthi. I did not tell - Accused 1 that the rope was being tightened round the deceased's neck." But he does give some -. evidence, also in his cross-examination, to show what Accused 1's intentions were, so far as he understood them. He says at one place "When we were getting into the bus at the court premises Accused 1 told me that I should go with him and that he wanted to put Mr. M.K.Murthi into the car." Then again he says in another place "When I left Accused 1's house on the evening of the 2nd of March 1940 with Accused 1, Accused 1 said that something should be done to M.Krishnamurthi.

questions put with the intention of getting some support, if possible, for Accused 1's explanation Ponnambalam says "Accused 1 did not tell Accused 2 to Accused 4 on the Anekal Road when he stopped the van that they should bring out M.K.Murthi.... Accused 1 did not abuse Accused 2 to Accused 4 there.....Accused 1 did not question Accused 2 to Accused 4 why they acted contrary to his instructions Then, when he was asked whether Accused 1 came to know for the first time that Mr.Krishnamurthi was dead when the van stopped at Anekal Road, he said he did not know that, he went on to say that accused 1 did and not consult in the Shoolay Road what to do then seeing that Mr.Krishnamurthi was dead." There is nothing in the evidence to support Accused 1's explanation, so far as I can see; and, when we try to ascertain whether on the facts proved it is a probable explanation, it appears to me on the contrary improbable. In regard to those who helped Accused 1 in what was done, his own servants, why should they have exceeded his instructions? There is no suggestion that any of them had any grudge against Mr.Krishnamurthi or any reason for using more force than they were directed to use against him. All the three assessors were of opinion that Accused 1's explanation should be accepted.

When we come to the case against Accused 2 and 3, it must be remembered that on many points there is corroboration of the evidence of the approver, Ponnambalam, in regard to the general story of what was done. But we must, according to the ordinary and proper rule adopted in such cases, find some corroboration of his evidence against each particular Accused concerned. When we are considering the case against Accused 2 and 3, we should also remember, I think, that what was done to Mr.Krishnamurthi could not have been done by Accused 1 and Ponnambalam alone. They must have required someone else to help them. And whom would Accused 1 be more likely to take than his own servants? We may also remember the evidence of P.W.15 that there were 4 or 5 - persons in the car on the National School playground. In regard to Ponnambalam's evidence against Accused 2 and 3 we must also notice that there is no suggestion whatever that he has any illfeeling against either Accused 2 or 3 or any reason for wanting to get them into trouble. It will be remembered that Accused 1 in his confession gave the names of Ponnambalam and Accused 2, 3 and 4 as his helpers. But that statement must be excluded from the evidence against Accused 2 or Accused 3, as the learned Judge has recognised.

the offences or either of the offences for which the other Accused have been tried. We must - therefore put what Accused 1 said in his confession about Accused 2 and 3 entirely out of our minds. But, taking the case against each of those two Accused separately, we shall find that there is some corroboration of Ponnambalam's evidence - against each of them.

Against Accused 2 the corroboration produced by the prosecution is evidence that on the 11th of March Accused 2 pointed out at the casuarina tope in Konena Agrahar, which has been mentioned, a square of green cloth, which has been produced in the case as M.O.11. P.W.36, whose evidence there is no reason to doubt, says that he was present when Accused 2 pointed out that piece of cloth at that place. The police Inspector, who investigated the case, P.W.102, has stated in the objectionable and vague way in which he was allowed to give evidence that that piece of cloth was found in that place on information given by Accused 2. The Chemical Examiner's certificate, Exhibit P.227, shows that he found mammalian blood upon that piece of green cloth.

There is also evidence given by the Police Inspector, P.W.102, that he recovered from the loft of the cattle-shed where Accused 2 was living another piece of green cloth, M.O.31. It is suggested by the prosecution that the piece of cloth found in Konena Agrahar, M.O.11, a square of cloth which is roughly hemmed, was made from a larger piece of cloth of which M.O.31 was also a part. That is certainly not established. All that can be said is that both those pieces of cloth, M.O.11 and M.O.31, are pieces of green cloth of the same texture, which may very well have been at one time parts of the same piece of cloth. But there is no evidence in this case that they were ever parts of the same cloth, nor any evidence that M.O.11 was, as the prosecution would suggest, a piece of cloth made into a rough handkerchief, which had belonged to Accused 2. The significance of what Accused 2 did in pointing out M.O.11 at the casuarina tope in Konena Agrahar does not consist in any proof that that piece of cloth had ever belonged to him. But the production or pointing out of that piece of cloth by Accused 2, of which there is evidence that there is no reason to doubt, raises the question how did Accused 2 know that there was anything to point out in that casuarina tope. How did Accused 2 know that there was a piece of cloth, which was afterwards shown to be bloodstained, in that tope? How did he know where to point it out? The learned

learned Judge has thought that the evidence about Accused 2 pointing out that piece of cloth, M.O.11 is corroboration of what he otherwise regards as good evidence of Ponnambalam to show that Accused 2 was concerned in the offences with which he was charged. Now it was open to Accused 2 to explain the evidence that he pointed out that piece of cloth in the casuarina tope at Konena Agrahar, to explain how he came to know that there was anything to point out there, if he was ready to admit that he did point it out. He would not give any explanatic at all. He merely denied the fact that he pointed it out, which the learned Judge believed, as he was entitled to believe on the evidence in the case. In my opinion there is plenty of evidence against Accused 2 in this case, if we can believe, as the learned Judge has believed, the approver's evidence. And in respect of Accused 2's connection with the story told by Ponnambalam there is some corroboration, as the learned Judge has found. In my opinion we should not be justified in differing from the learned Judge's finding that Accused 2 took part in the offences with which he has been charged.

The corroboration offered by the prosecution in respect of Accused 3 is in connection with the overcoat, M.O.2, which Ponnambalam has mentioned in his evidence, the overcoat which he says was put over Mr.Krishnamurthi's body when he was taken from Konena Agrahar to the place 10 miles up the road

As I have mentioned already, P.W.69, a night watchman in Accused 1's apple orchard, where Accused 3 worked, has given evidence that he saw that coat in Accused 3's possession when Accused 3 brought it to the garden at 6 A.M. on the morning of Sunday, the 3rd of March. He says that Accused 3 then put the coat into the room which he occupied and in which it appears Ponnambalam was also staying. After Accused 3 was arrested P.W.69 says the coat was still at the apple orchard, and he himself made use of it; later on, when the Police came to the orchard with Accused 3 for it, P.W.69, pointed it out to the Police. The Police Inspector, P.W.102, says that he seized the coat at the garden on the 15th of March on information given to him by Accused 3. Exhibit P.229 is a certificate from the Chemical Examiner showing that he found Mammalian blood stains on that coat, M.O.2. P.W.40, a Police Inspector of the Civil and Military Station, says that the coat belongs to him, but that he had lent it in January last to Accused 1. There is evidence therefore which the learned Judge was entitled to treat as corroboration of Ponnambalam's story, so far as Accused 3 was concerned.

duty of the learned Judge to question Accused 3 in such a way as to ascertain what he had to say in regard to the evidence given against him by P.W.69 about that coat. Unfortunately the learned Judge must have been in some confusion about what the evidence in regard to the coat was. The question he asked Accused 3, or rather what he put to Accused 3 was as follows:- "Evidence has been adduced to show that you showed M.O.2, the overcoat, to the Police. What do you say about this?" to which Accused 3 answered "I did not show anything. I do not say anything." It will be seen that by that unfortunate error the learned Judge did not ascertain explicitly what Accused 3's explanation in regard to the piece of evidence against him was. The learne Judge did not put the evidence of P.W.69 to Accused 3 for his explanation, but he put to him something which was not upon the record at all. If we had any reason to suppose that Accused 3 was prejudiced in his defence, we should have to regard that as a very serious defect in the trial, so far as he was concerned.

from Mr. Vasudeva Rao, who appears in this court for Accused 3 and has made inquiries both of Accused 3's Counsel in the lower Court and of Accused 3 himself, that Accused 3's case at the trial was not that the overcoat, M.O.2, had been in his possession and had come into his possession in some innocent way, but that is had never been in his possession at all. So the unexplained evidence that M.O.2 was in Accused 3's possession, may be used, as the learned Judge has used it, as corroboration of the approver - Ponnambalam's story, so far as it is against Accused In his case also I think we should not be justified in interfering with the learned Judge's findings against him on the charges on which he was tried.

When we come to the case against Accused 4, what we have before us is an appeal by the Government against Accused 4's acquittal. Now against Accused 4 also there is the evidence of the approver, Ponnambalam, which the learned Judge has accepted as true, and which I see no reason to doubt is true in all the main parts of the story which he tells and indeed in all its particulars except perhaps the beginning and end, where the learned Judge has doubted it. But according to the proper rule we should look for corroboration of the approver's evidence before we

so far as Accused 4 is concerned. I do not agre with Mr. Ramaswami's contention for the Govern ment that we should regard the previous confes- sion made by Ponnambalam and recorded in Exhibit P.97 as the independent corroboration we should require of his evidence as that of an accomplice against Accused 4. Still less can I agree with his contention that we might use as corroboration of Ponnambalam's evidence against Accused 4 the confession of Accused 1 recorded in Exhibit P.107. In this part of the case Mr. Ramaswami was not contending that we could use Accused 1's confession against Accused 4 under the provisions of Section 30 of the Evidence Act. But he suggested that we could use it under the provisions of Section 10 of that Act. That is a suggestion for which I can see no basis. Accused 1's confession was made after the whole offences concerned had been completed and when they were under investiga- tion by the Police. It does not come within the provisions of section 10 of the Evidence Act at all. Against Accused 4 there is only the evidence of the approver, Ponnambalam; on that evidence alone it would be quite improper in my opinion to interfere with his acquittal on this appeal of the Government.

against acquittals preferred by the Government. He represented that in consequence of a fairly recent decision of their Lordships of the Privy Council, Sheo Swarup v. King-Emperor, 56 Allahabad 645, it must now be held in British India that in approaching an appeal against acquittal the High Court must apply exactly the same principles as would be applied to an appeal against a conviction. Mr. Ramaswami suggested, following that decision, that in dealing with an appeal against an acquittal this Court should go into the evidence and estimate it in effect in the same way and on the same principles as evidence would be estimated in the trial Court. He suggested that there should be no idea that this Court dealing with an appeal against an acquittal could interfere only when the acquittal appeared to be due to a mistake of law or to an unreasonable finding of fact. Now the provisions of section 417 of the Code of Criminal Procedure in this State are the same as those of the section so numbered in the Code of Criminal Procedure in force in British India. It was said by their Lordships of the Privy Council in the case to which Mr. Ramaswami has referred that under that section as in force in British India there was no limitation or restriction upon the power of the High Court as an appellate tribunal: there was no distinction as regards the power of the High Court in dealing with an appeal against an acquittal and an appeal against a conviction: in an appeal against an acquittal the High Court had full power to review the evidence and to reach the conclusion on it that the acquittal should be

reversed: no limitation should be put on that power not expressly stated in the Code. What Mr.Ramaswami represents to be the effect of that judgment in declaring the law on the matter in British India is not the law recognised in this Court. From Government of Mysore v. Giddah, 10 Mysore Law Reports 317, the rule followed in this Court has been that the High Court will interfere with an acquittal in an appeal preferred under section 417 of our Code only when the trial Court's order depends upon a mistake of law or a clearly unreasonable finding of fact. That rule binds my learned brother and me sitting as a Bench of two Judges. Mr. Ramaswami at one point suggested that, in view of what has been said by their Lordships of the Privy Council in regard to the corresponding section of the Code in force in British India, we should refer to a Full Bench the question on what principle appeals against acquittals should be dealt with by this Court. I see no sufficient reason to adopt that suggestion. In my opinion the rule adopted in this Court is much better in the public interest than the rule which Mr.Ramaswami represents to be now in effect in British India Perhaps I may venture to remark that, when we have ascertained from the language of section 417 and other sections of the Code of Criminal Procedure what are the powers of this Court in regard to an appeal against an acquittal, we have not necessarily ascertained the principles on which those powers should be exercised. We need not suppose that the same principles have to be applied to all classes of appeals.

reversed: no limitation should be put on that power not expressly stated in the Code. What Mr.Ramaswami represents to be the effect of that judgment in declaring the law on the matter in British India is not the law recognised in this Court. From Government of Mysore v. Giddah, 10 Mysore Law Reports 317, the rule followed in this Court has been that the High Court will interfere with an acquittal in an appeal preferred under section 417 of our Code only when the trial Court's order depends upon a mistake of law or a clearly unreasonable finding of fact. That rule binds my learned brother and me sitting as a Bench of two Judges. Mr. Ramaswami at one point suggested that, in view of what has been said by their Lordships of the Privy Council in regard to the corresponding section of the Code in force in British India, we should refer to a Full Bench the question on what principle appeals against acquittals should be dealt with by this Court. I see no sufficient reason to adopt that suggestion. In my opinion the rule adopted in this Court is much better in the public interest than the rule which Mr.Ramaswami represents to be now in effect in British India. Perhaps I may venture to remark that, when we have ascertained from the language of section 417 and other sections of the Code of Criminal Procedure what are the powers of this Court in regard to an appeal against an acquittal, we have not necessarily ascertained the principles on which those powers should be exercised. We need not suppose that the same principles have to be

on which we deal with a civil appeal are different from those on which we deal with a criminal appeal against a conviction. I can see nothing unreasonable in different principles being adopted for dealing with a criminal appeal against a conviction and a criminal appeal against an acquittal. Section 417 of the Code of Criminal Procedure puts no limit on the power of the executive Government to bring any order of acquittal before us on appeal. If we were to adopt the rule which Mr. Ramaswami suggests we should adopt, under the provisions of section 417 of the Code, it would be possible for the executive Government to compel this Court in effect to retry every acquitted person on the same principles in regard to the consideration of evidence as would be adopted in the trial Court, that is, it would be possible for the executive Government to give the prosecution a second chance in every case in which there was an acquittal. If that were really the effect of section 417 of the Code of Criminal Procedure, I should regard it as an oppressive, dangerous and pernicious provision of law. It would obviously be open to the very gravest abuse. It is useless in such a matter to suggest that we may always trust the executive Government not to abuse such a provision, if that is its effect. We have no reason whatever to suppose that the present Government of Mysore would abuse such a provision. I have had occasion before to say that in my experience the Government of Mysore exercises its powers under section 417 of the Code with restraint and discretion.

judge the utility or safety of any piece of political or judicial machinery in the light only of the virtues of an existing Government. A dangerous weapon may be quite safe in the hands of one Government: it may be an instrument of evil oppression in the hands of its successor. If we look outside India, we see that a large part of the world to-day is under the control of Governments, of which it would certainly not be an over-statement to say that they spend much of their time and energy in harassing those of their fellow-subjects who have the misfortune not to be among their supporters. In my opinion the proper protection of the public against the abuse of such powers as are given by section 417 of the Code of Criminal Procedure is, not the discretion of changing Governments, but the principle adopted and maintained by this Court for more than half a century to guide us in exercising our powers in regard to appeals against acquittals. If the law in Mysore were in this matter what Mr. Ramaswami represents it to be in British India, for myself I should think it desirable that a change should be made in the law by legislation as soon as possible. I shall certainly lend no hand to any attempt to deprive His Highness's subjects of one of the advantages which they enjoy over British Indian subjects.

that there were charges against Accused 5 of forgery etc. in connection with the alleged will of Muninanjappa. But they had been properly postponed for a separate trial. Neverthe less for the purposes of this case the Public Prosecutor tried to prove that Accused 5 took part in forging Exhibit P.157, the alleged will of Muninanjappa, and he did that with the idea of showing that it was fear of that forgery bei exposed which made Accused 5 instigate Accused as the prosecution alleged, to murder Mr.Krishr murthi. A large part of the judgment of the learned Judge has been taken up with the discus sion of the question whether it has been proved that Accused 5 took part in forging that will; and a great deal of the very voluminous evidenc in this case was introduced in connection with that question. I think the learned Judge was unwise in allowing that question to be investigated in the course of this trial. As the charges in that connection had been put off for trial to another occasion, it was very strange in effect to try Accused 5 by a sort of side-wi on those charges in this case. And it has to be remembered that there is still a probate suit going on in the District Court of the Civi and Military Station about that will. The learned Judge was however persuaded, and I thin his judgment shows clearly he was over-persuade by the Public Prosecutor to go into the questio

that there were charges against Accused 5 of forgery etc. in connection with the alleged will of Muninanjappa. But they had been properly postponed for a separate trial. Nevertheless for the purposes of this case the Public Prosecutor tried to prove that Accused 5 took part in forging Exhibit P.157, the alleged will of Muninanjappa, and he did that with the idea of showing that it was fear of that forgery being exposed which made Accused 5 instigate Accused as the prosecution alleged, to murder Mr.Krishnamurthi. A large part of the judgment of the learned Judge has been taken up with the discussion of the question whether it has been proved that Accused 5 took part in forging that will; and a great deal of the very voluminous evidence in this case was introduced in connection with that question. I think the learned Judge was unwise in allowing that question to be investigated in the course of this trial. As the charges in that connection had been put off for trial to another occasion, it was very strange in effect to try Accused 5 by a sort of side-wind on those charges in this case. And it has to be remembered that there is still a probate suit going on in the District Court of the Civil and Military Station about that will. The learned Judge was however persuaded, and I think his judgment shows clearly he was over-persuaded by the Public Prosecutor to go into the question

of forgery in the present trial. And after taking long evidence and hearing, I presume, long arguments and writing a large part of his judgment on that subject he recorded a finding in the following words: "I cannot hold that the will has been proved to be a forgery." That certainly is not the question which a probate Court would have to try in connection with the will; but I do not think it is a question which the learned Judge ought to have attempted to decide in this trial nor one on which his finding is of much value. So far as I can see, the course adopted by the prosecution in that matter was both unwise and unnecessary. If Accused 5 had really taken part in forging that will, the removal of Mr. Krishnamurthi would hardly prevent him from prosecution for it, as indeed the event has shown and Accused 5 could hardly have supposed that that would be the result. On the other hand there is plenty of evidence in this case that Mr. Krishnamurthi and Accused 5 were on bitter terms. It was enough for the purposes of the prosecution to produce evidence about that bitterness and the reasons for it. The evidence shows that it was at least partly due to ~~xxxxxxxxx~~ Accused 5's connection with Muninanjappa's will, as Exhibit P.157 is alleged to be, and with Accused 1's shifty and crooked proceedings in regard to it. It is shown that Mr.Krishnamurthi had filed in the litigation in connection with that will applications

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Lakshmamma containing very serious and violent attacks upon Accused 5. If that will were ever to be proved, Accused 5 must have recognised that he would have to give evidence in support of it, and he could hardly have doubted that Mr. Krishnamurthi would have taken the opportunity of cross-examining him with vigour and relish.

I have mentioned part of Accused 5's connection with the will. But a very important feature of it is that, by the terms of that will, Accused 5, with Accused 1 and another man, were to be trustees to deal with property worth 30,000 rupees for a charitable purpose. Accused 5 in effect accepted that trust, if he did not inspire or, as the prosecution would say, invent it. More than 5 years after Muninanjappa's death that trust has never been carried into effect; and it is not being carried into effect because Muninanjappa's will has never been proved. There is nothing to suggest that Accused 5 ever made any effort to get that will proved at an early date. It has been explained to us that, as Accused 1 himself said in other proceedings, he was unwilling to apply for probate because he did not want to pay the fee on that. But, if Accused 1 took up that position, it would be very surprising that Accused 5 should encourage him in it. Accused 1, while refusing to take the proper, straightforward course of getting that will established, as I have mentioned, adopted the crooked manoeuvre of putting in a guardianship application, which he professed was based upon the will; and in that Accused 5 assisted him for more than a year. It is impossible for Accused 5 now to represent that he disapproved of that manoeuvre. Accused it is admitted, had the will in his possession for 2 years as its custodian. It appears to me extraordinary that an

Advocate of this Court, who was also to be trustee under that will, should have acted as Accused 5 acted in connection with it. It can very easily be represented that Accused 5 acted in connection with that will, not as a man who believed in it, but as a man who did not believe in it. Those are matters on which Mr. Krishnamurthi would have been able to cross-examine Accused 5, if he had ever appeared in the witness-box to support the will. There is evidence that the probate suit in the Civil and Military Station Court was continuing at the time when Mr. Krishnamurthi died, though the probate suit in the Bangalore District Court had come to an end because Accused 1 did not care to prosecute it. The probate suit in the Civil and Military Station Court had been posted as a last opportunity to the 4th of March. Accused 5 had not been summoned to appear as a witness on that date. But there is no doubt that Accused 1 was in communication with him, and Accused 1 had to examine Accused 5. Accused 5 must have known that he was wanted in the Civil and Military Station Court on the 4th of March, unless there was some special reason to suppose that the suit would not be heard on that date, about which there is no evidence, though it has been suggested to us that the will, Exhibit P.157, is still in the Bangalore District Court and had not been sent to the Civil and Military Station Court.

There was another matter between Mr. Krishnamurthi and Accused 5, as the evidence discloses. Lakshmamma represented by Mr. Krishnamurthi had preferred a petition under the Legal Practitioners Act, Civil Petition 191 of 1938, against Accused 5 in April 1939, alleging both a minor matter of irregularity and the very serious matte

that Accused 5 had taken part in forging the will. Not content with making strong allegations in the petition, when Accused 5 filed his objections to that petition, Lakshmamma represented by Mr. Krishnamurthi put in a very violent reply. That case was argued by Mr.Krishnamurthi in the Bangalore District Court on the 1st of March, the day before he met his death. Quite apart from the question whether it could be established in this case that the will had been forged by anyone it is quite clear that Accused 5 had reason for very bitter feelings against Mr. Krishnamurthi and had reason to fear him.

But, although such a large part of the time of the Sessions Court was devoted to the question whether Accused 5 had any motive for doing harm to Mr. Krishnamurthi, we must remember --- and the learned Judge should have remembered also, as no doubt he did in the end-- that in regard to the charges against Accused 5 the primary object of attention should be the evidence produced to support those charges in order to show that Accused 5 took part by instigation, as is alleged, in the murder of Mr. Krishnamurthi or in his abduction for the purpose of murder. Questions of motive were allowed almost to obscure the question whether there was any real evidence that Accused 5 instigated Accused- to do anything to Mr. Krishnamurthi. On that question the evidence against Accused 5 appears to me to be thin, and I did not understand Mr. Ramaswami to suggest that it was anything else. As in the case of Accused 2, 3 and 4, the prosecution cannot use any part of Accused 1's confession recorded in Exhibit P.107, against Accused 5. and, so far as Accused 5 is concerned, we must leave that out of consideration altogether.

Now what is the actual evidence produced by the prosecution against Accused 5 in this case in support of the charges against him? There is evidence intended to show that Accused 5 and Accused 1 met on the morning of Saturday, the 2nd of March, and what Accused 5 said on that occasion to Accused 1. There is evidence intended to show that Accused 1 and Accused 5 met in the District Court buildings in the middle of that day. And there is evidence to show that Accused 1 and Accused 5 met in Accused 1's compound early the next morning. Besides that it will be remembered that Ponnambalam, the approver says that, while he and all the Accused were together in the motor van at Webb's Service Station getting petrol, Accused 1 said to Accused 3 "The trouble from the lawyer is increasing. Must be finished to day, comewhat may. " Our lawyer has promised to look to it." Now that is neither effective evidence against Accused 5 nor evidence against him at all. It was admissible evidence to show that Accused 1 said something to Accused 3 to encourage him to take part in the affair or to explain to him what was going on or why it was going on. But it is not show that the lawyer referred to as Accused 1's lawyer was Accused 5. At that time the lawyer appearing for Accused in this litigation was someone else. And apart from that cannot take as evidence what Ponnambalam says Accused 1 said that another unspecified person had said to him. That is not evidence against the other unspecified person. Then we come to the evidence about the meeting between Accused 1 and Accused 5 on the morning of the 2nd of March which it will be remembered is supposed to have been outsi the Ananda Bhavan Hotel. Mr. Srinivasa Iyengar has sugges very reasonably that the effect of that evidence, if it is true, is not that on that occasion Accused 5 was looking

for Accused 1 in order to get Accused 1 to do something, but its effect is that Accused 1 was looking for Accused because he wanted to talk to him. And he might well have wanted to talk to Accused 5 about the proceedings in connection with the will, which had been so mismanaged. We must remember also that the evidence given for the prosecution about that meeting is against the evidence given by D.Ws. 7 and 8. On a consideration of the evidence before him the learned Judge did not believe Ponnambalam's story about that meeting. Whether the learned Judge was right or wrong in that view of the evidence, it would be impossible for us to say that his view was unreasonable. And even if what Ponnambalam says is true about hearing Accused 5 say something to Accused 1 before they parted on that occasion-- and that is the gist of the prosecution evidence in regard to that incident--what does it amount to? Accused 5 is supposed to have said to Accused 1 "Have you no moustache Don't be afraid. Come to the Court". That does not imply or even suggest that they were talking about doing any harm to Mr. Krishnamurthi at all. Accused 1 had good reason to be nervous about the termination of the long-drawn-out litigation about the will, in which he and, I think we must say also Accused 5, had got themselves into such a mess. But, even if in that connection they both had reason to be nervous about Mr. Krishnamurthy's determined championship of Lakshmamma's cause, that does not make it safe for us to infer that what Accused 5 said had any reference to any harm being done to Mr. Krishnamurthi. And, if we turn to the evidence about the meeting in the middle of the day in the District Court buildings, which Accused 5 has denied, that meeting

for this case. As I have mentioned before, Accused 5 and Accused 1 had very good reaons for meeting and discussing what they had to do in connection with the last probate proceedings in the Civil and Military Station Court, and there is nothing very suspicious, so far as this case is concerned, in their having a minute's conversation, which is all that P. W. 52 speak to, in a corridor of the District Court on the 2nd of March.

The last piece of evidence against Accused 5 is the statement of Ponnambalam, corroborated by the eviden of P.Ws. 53 and 54, that Accused 5 and Accused 1 were talking for some time in Accused 1's compound about 7-30 A.M. on Sunday, the 3rd of March. The learned Judge does not believe the evidence for the prosecution about that meeting for reasons which do not appear to me to be very satisfactory. But, if it is true that Accused 5 went to see Accused 1 that morning, does that provide us with any serious evidence against Accused 5 in this case? Again Accused 5 may have had something else to discuss with Accused 1; and we know one thing upon which consultation between them appears to have been very necessary. And we know also something about Accused 5's further movements. On the 4th of March, the day on which the probate suit in the Civil and Military Station Court was to come on for hearing as a last chance, so far as the evidence discloses, Accused 5 went off for the day to Madras on some important busines but business which there is no reason to suppose someone else could not have done, and he went off knowing, as he must have done, that, if the probate suit was to come

was ~~enquired~~ required there. Well that may not be very creditable to Accused 5, indeed far from it. But that may well have been a reason for Accused 1 and Accused 5 being in conversation on the morning of the 3rd of March. They certainly had matters on which it was necessary to put their heads together in their own interests.

But it may perhaps be said that, if the evidence for the prosecution has to be accepted that Accused 1 and Accused 5 met twice on the 2nd of March and again early on the morning of the 3rd of March after Mr. Krishnamurthi had been disposed of, there is something sinister in that evidence in the light of what happened to Mr. Krishnamurthi. We might perhaps in the light of the event be inclined to infer something sinister in the meetings between Accused 1 and Accused 5. But, if that were a permissible inference at all, it would obviously be a very weak inference, an inference which the learned Judge has declined to draw, an inference which in my opinion it would be impossible for us to say that it was unreasonable for him to reject. The evidence against Accused 5 in this case on the charges on which he has been tried is very slight. In my opinion it is impossible for us to say that it was unreasonable for the learned Judge not to find him guilty. On the contrary in my opinion on the weak evidence produced for the prosecution the acquittal of Accused 5 was right.

In my opinion the appeal of the Government against the acquittal of Accused 4 and 5 should be dismissed, and so should the appeals of Accused 1, 2 and 3. In the circumstances for the callous and brutal murder,

of which Accused 1, 2 and 3 have been convicted, the learned Judge appears to me to have imposed the right sentence; and in my opinion the sentence of death must be confirmed in respect of each of Accused 1, 2 and 3.

(Sd). H. D. C. Reilly,

CHIEF JUSTICE.

MR. JUSTICE C.ABDUL GHANI:-

I agree that the appeals should all be dismissed and that the sentences of death on Accused 1, 2 and 3 be confirmed. The learned Chief Justice has dealt in such detail with the facts and the points arising in the case that there is precious little left for me to add without covering the same ground again. In respect, however, of a few matter on which there was some controversy I would like to add a few words.

At one stage of his argument the learned Public Prosecutor suggested that, because the evidence of Ponnambalam, the approver, could not be shaken in any Court in which he was examined and cause it was consistent with his confession, this s a case to which Section 133 of the Indian Evince Act might be applied and that no corroboratic s necessary. The Public Prosecutor had to adopt is attitude in view of the want of support to the idence of the approver, in the case of some of e Accused, at any rate. He conceded, however, at it was only in exceptional cases that a convicon could be based on the uncorroborated testimony the approver. Section 133 has to be read with ction 114 and this Court has all along taken the iew that corroboration of an approver's evidence is cessary for a conviction in practically every case xcepting perhaps some rare ones that are hardly ikely to arise. A

consists in something else; and as an example I may cite an instance which is indicated in Section 114 of the Evidence Act. After the illustrations to that section, a caution is enjoined to have regard to such facts as the following, before presuming that an accomplice is unworthy of credit unless he is corroborated. "A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character, who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself." It will be seen from the above that exceptional cases are those where the approver's evidence, in spite of its being tainted, can be accepted with safety as true. Now, in the present case, Ponnambalam's previous history and position in life do not warrant his evidence being accepted without corroboration, particularly in view of the fact that in some respects at least the learned Sessions Judge has characterised it as false. Both he and Accused 1 are attempting to throw the responsibility of the murder on the other Accused, who are mere hirelings with no motive at all to commit the crime. Under the circumstances, the need for corroboration of his evidence is imperative and without that corroboration it is unsafe to convict any of the Accused.

Krishnamurthi for a particular purpose, but unfortunately those who were employed went much beyond what was expected of them and strangled the victim when attempting to prevent him from calling out for help. This attitude is indicated to some extent in Accused 1's confession and clearly is his statement before the learned Sessions Judge, prepared carefull and after deliberation to cover, if possible, the facts disclosed by the evidence, and to evade responsibility for murder. The subsequent conduct of Accused 1 is stated to be that of a person in a panic on account of something happening which was not intended. I agree with the learned Chief Justic that the intention of the 1st Accused was not merely to abduct the later Mr.Krishnamurthi with a view to frighten him into a compromise but was to remove him from his path. To the several reasons given by the learned Chief Justice to arrive at this conclusion, I may add just one or two. It is in evidence that Accused 1 borrowed the van of Mr.Misri. It may be that the van was more suited for a purpose of this kind than his own car. But it also indicates an intention to put the authorities on the wrong track and make detection difficult. Even if it was discovered that a van was used, the Police would hardly think of directing their enquiries to a person like Mr.Misri who lives at some distance from Bangalore. Similarly a rain-coat borrowed from another was taken on the occasion. Accused 1 conducted the operations in person and had not disguised himself. He apparently wanted the victim to know who abducted him and wanted also to threaten him into a com-

compromise. If so, the object of borrowing a van from another, requesting the owner not to divulge the fact, and bending the number plate would be to make it difficult, if not impossible, for the abduction to be found out. All the precautions would be vain, if Krishnamurthi was allowed to escape alive. He would surely set the law in motion and if he did not for fear or because of a promise when threatened, the public would be curious of his unexplained absence and the matter would leak out sooner or later. The indication therefore is that Accused 1 was out to kill Krishnamurthi and made preparations to cover his tracks.

We had had occasion to inspect the van when it was produced before Court. Between the top of the van and the body there is a vacant space which is not covered and which has not shutters either. If Accused 1 was intending to kidnap Mr.Krishnamurthi in a van like that, it is quite clear that he should either adopt some measures to prevent Mr. Krishnamurthi from crying out and attracting attention or should do away with him. The route which the van had to take lay through a thickly populated area and past a circle where a Policeman would be on duty at the time. It turns out that to prevent Mr.Krishnamurthi crying out no precautions had been taken unless it be that those who were responsible

short thin rope with a loop and which in fact was used to strangle the victim. According to the approver a gun was also taken. The idea apparently was either to strangle Mr.Krishnamurthi if he made any noise or to strangle him later. The gun was probably a precaution against surprise and was intended to be used, if somebody intercepted or pursued the Accused. In his statement before Court Accused 1, though he has given a fairly plausible explanation of what happened, is yet not sure of himself as to what was his intention in kidnapping Mr.Krishnamurthi. He says he had a vague notion that Krishnamurthi may be threatened into a compromise. If Accused 1 was not sure why he was abducting the deceased, we may infer from the material on record that the intention was to dispose of Mr.Krishnamurthi either at the time when he was kidnapped if he attempted to make himself heard, or later, if he did not agree to the terms proposed. There is nothing in this case to suggest that Mr.Krishnamurthi would have accepted any terms, because for nearly five years his attitude had been adamant in opposing Accused 1 in some ways and harassing him in other ways, even to the extent of attributing forgery to him and asking for his prosecution in respect of another matter. He had persistenly stood in the way of a compromise between Accused 1 and his mother and there is nothing to suggest that a threat after

and charged them with abduction. After resolving on abduction, the safety of Accused 1 lay, if at all, in killing Mr.Krishnamurthi and covering his tracks. His attempt was to dispose of the body in such a way as to make its discovery difficult, if not impossible, by having it thrown down the ghats indicating again an intention to murder. The underlings, however, did not carry out his instruc tions. His subsequent acts do not disclose any panic. If there was to be any panic, it was in th earlier stages when Mr.Krishnamurthi was alive and had to be taken through a crowded locality in an open van. After that stage, or after Krishnamurth died, there was no question of panic at all; and the van, or later the car, could be taken anywhere with impunity. It was necessary to return the van soon and so Accused 1 took the direction which led to Mr.Misri's house, and on the way he had to dump the body somewhere before returning the van. That accounts for the first dumping. The next dumping is similarly accounted for, because Accused 1 did not want to be out of the house all the night. After taking the body from the first place to another grove, Accused 1 came back, hired another taxi without the driver and got the body carried elsewhere. All this indicates a cool head and deliberate action to prevent discovery of the crime and his own complicity in it. He admits that he never looked at the body to satisfy himself if death had really resulted.

verify if Mr.Krishnamurthi was dead. I have no doubt that the intention of Accused 1 was not merely to kidnap Mr.Krishnamurthi for any particular purpose but was to remove him from his path, because, according to his own statement, Mr. Krishnamurthi was an obstacle in the way of a compromise between himself and his mother. I am also inclined to think that, even if the story as given by Accused 1 is accepted in its entirety, it will not exonerate him from liability for murder, in view of Section 34 of the Penal Code which will render him guilty equally with those who actually committed the murder. It is quite clear from the statement of Accused 1 that Krishnamurthi had to be taken away by force, at any cost; and if in the carrying away, more force than was needed was employed for the reason that Krishnamurthi resisted or cried for help and death ensued or the deceased was strangled to prevent his making himself heard, Accused 1 will be constructively liable for murder along with those who actually strangled the deceased, because it was in furtherance of the common intention of abducting Krishnamurthi by force that the death of Krishnamurthi occurred.

In respect of Accused 2 and 3, the approver's evidence has to a certain extent been corroborated. The offence could not have been committed by Accused 1 with the sole help of Ponnambalam. One of them was required to drive the car and the other, single-handed, could not have put Mr.Krishna

P.W.15, that when the occurrence took place, he could see 4 or 5 people in the van, though he could not identify who they were. On that evidence and on probabilities if we believe that Accused 1 employed others, it is very natural to expect him to employ somebody in his own service, unless he had hirelings available. Now we have evidence which is not disputed that both Accused 2 and Accused 3 were working under Accused 1 at the time. That in itself will be some corroboration. Next we have the evidence of Mr.Tustin, P.W.36, that Accused 2 took him and the Police to a casuarina grove and pointed out a spot where a blood-stained green piece of cloth was found. The spot happens to be the place where the dead body of Mr.Krishnamurthi was kept in the first instance, according to the approver. Though the piece of cloth was not traced to the possession of Accused 2, yet the fact that Accused 2 was able to take the Police to the spot where the dead body was taken in the first instance corroborates the evidence of the approver that Accused 2 was one of those who participated in the crime. This much of corroboration may be slight. But in the circumstances of the case and considering that some outside help was necessary, I agree with the learned Chief Justice that it is enough to support the conviction of the 2nd Accused whom the approver has no reason at all to implicate.

Accused 1 was, after the occurrence, handed over to this Accused. At about 6 in the morning after the occurrence Accused 3 was seen with that rain-coat by a witness who was employed to keep watch in the garden where Accused 3 works. It was suggested by Mr.Vasudeva Rao that there were many other people working in the garden who equally with the witness must have seen this Accused with the rain-coat, but none of them has come forward to depose to the fact. It was an early hour in the morning and it is only the man who is detailed to keep watch that must be expected to be awake at that time and to be present in the garden. The attack of Mr.Vasudeva Rao is thus of not much force. There are blood-stains on this rain-coat which, according to the evidence of the approver, was used to cover the body of the deceased. I think that this much of corroboration is enough to connect Accused 3 with the crime and to uphold his conviction. As in the case of Accused 2, there is no motive for the approver to involve Accused 3 if he is really innocent, and both Accused 2 and Accused 3 are the persons most likely to be employed by Accused 1 in the carrying out of his nefarious designs.

In respect of Accused 4 the only evidence that the learned Public Prosecutor was able to suggest as corrborative of the evidence of the approver is that of a witness who is called the Patel of Domlur though he does not happen to be the patel. He says that the car of Accused 1 that evening was seen going towards Murugesapalayam.

I have no doubt that there is nothing to connect Accused 5 with the offence. In his case, it is not so much a question of corroboration but of want of evidence which may require corroboration. Throughout the long deposition of the approver, we do not find anything to show that on 2-3-40Accused 5 said or did anything to instigate Accused 1. He merely says that Accused 1 and Accused 5 met near the Ananda Bhavan in the morning and talked something in the open street. In the afternoon, Accused 1 went to Court in search of Accused 5, but the approver does not know if Accused 1 and Accused 5 met at all. In the evening, Accused 1 was upset about the order for attachment of his car and told the approver that something must be done as troubles from the lawyer had increased. It is apparent that nothing had been decided on till then, as otherwise Accused 1 would not have said "something must be done" if Accused 1 and Accused 5 had already met and decided what to do. It was Accused 1 who was going in search of Accused 5 both the times day and it can hardly be said in the circumstances that Accused 5 was instigating Accused 1. The approver says that Accused 5 went to Accused 1 next morning at 7-30 and was talking something to him. This evidence does not even suggest instigation. The evidence adduced in the case that there was a meeting between Accused 5 and Accused 1 on the morning of

his statement before the Sessions Judge does not say that on the morning of the 2nd of March there was a meeting between him and Accused 5 near the Ananda Bhavan, though he admits having met Accused 5 that morning, but only in connection with the case that had to come off on the 4th in the Cantonment Cour Assuming that Ponnambalam is right and did hear Accused 5 tell Accused 1 not to be afraid but to come near the Court, the words used do not in the least indicate any instigation. In regard to th next meeting near the Courts spoken to by another witness, Accused 5 has adduced evidence of a very reliable character to show that till about 2-30 P he was engaged in some Court or other and that he on his legs arguing a miscellaneous case and that thereafter he went to the C. & M. Station Courts. so, the alleged meeting at 1 P.M. becomes rather hard to accept. Assuming that there was a meet we have no idea what the talk was about, as the witness on the point does not enlighten us but merely says that Accused 1 and Accused 5 were talking something which he did not hear. And as the learned Chief Justice has already indicated, the two had every reason to meet, not with a view to conspire about the crime that was committed, but about something else in which they were both interested and which was being agitated in a Court in a case which was for hearing

that day and that the lawyer had promised to look to it. Granting that the lawyer referred to is Accused 5, the evidence is hearsay and the learned Chief Justice has pointed out that it is inadmissible. At another place, the approver says that whenever Accused 1 and Accused 5 met, the latter used to complain that the deceased was filing cases against them, was against a compromise, had proved the will to be false and had ruined Accused 1, and that Accused 1 after such occasions used to be gloomy and tell the witness that Accused 5 wanted something to be done. The portion regarding the will is not true and as regards the rest, the last portion is not admisible evidence against Accused 5, while the remaining portion would indicate that the approver was privy to the consultations and talks between Accused 1 and Accused 5, -- an assumption which can be rejected without serious consideration. Moreover, there is no corroboration of any kind of this portion of the evidence, even if it is supposed to implicate Accused 5. Accused 1 had grievance enough of his own to lay violent hands on the deceased and did not need any instigation from Accused 5.

instigate Accused 1. It is not apparent how the death of Mr.Krishnamurthi would affect the question of the will and its validity. It is not suggested that the deceased had some special information or material to prove that the will was a forgery; and , as a matter of fact, the materials on record show that he had not and was shifting his attack against the will from time to time. If he was removed, another lawyer would take his place. Motive was perhaps something different. There is enough material on record to show that bitter feelings existed between the deceased Krishnamurthi and Accused 5 because of certain happenings in connection with the will and in other matters. It was suggested by Mr. V.V.Srinivasa Iyengar that the evidence is confined to the bitter feelings entertained by the deceased against Accused 5 and there is nothing to show that Accused 5 and there is nothing to show that Accused 5 had any reason to bear ill-will against Mr.Krishnamurthi. I think that when very serious allegations had been made by Mr.Krishnamurthi in several proceedings and when he had sought to prosecute Accused 5, as also to take action against him under the Legal Practitioners' Act, Accused 5 must be far from human, if he did not entertain at least resentment against the deceased, if nothing more.

a motive. He should have realised that what he was doing was sure to have its repercussion on the other charge and would embarrass the Judge who would deal with it, apart from the loss of time and labour involved in this case.

Another interesting question was raised as to the manner in which appeals against acquittals should be dealt with. The learned Public Prosecutor suggested that, in view of a recent ruling of their Lordships of the Privy Council in Sheo Swarup v. Kind Enperor, 56 All.645, we might have to revise our notions. For a long number of years commencing from the date of Government of Mysore v. Giddah, 10 Mysore Law Reports 317, this Court has consistently taken the view that, in regard to appeals against acquittals, a different standard prevails in the matter of appreciation of evidence on questions of fact than when the appeal is against a conviction. I may here state that the Legislature itself, when framing the Code, has made a distinct difference between an appeal against an acquittal and an appeal against a conviction. A party aggrieved by an order of acquittal has no right to appeal, though when convicted he can appeal. An acquittal was final till the Code of 1872 which, for the first time, conceded that right to

recognise any difference between the two classes of appeals once they come before a Court. But when we find that the right of appeal is denied to parties and is conceded only to the Government the sections referred to should, I am inclined to think, be construed so as to conform to that underlying policy which appears to be aimed at preventing harassment to one already acquitted. If so, a distinction should be made, I think, in the manner in which evidence is to be weighed in the two kinds of appeals and the way in which the two kinds of appeals are to be dealt with. It is expected by the Legislature that it is only in proper case that the Government will choose to to prefer an appeal. But if that is not done, for some reason, the Courts are expected to make a proper selection of cases which alone call for interference. I agree fully with the learned Chief Justice that the view that has prevailed in Mysore till now is preferable to the view elsewhere, if a different view in fact prevails, because Mr. V.V. Srinivasa Iyengar suggests that even the decision of the Privy Council has not that effect. On a perusal of the ruling, I see that the general proposition enunciated is hemmed in by so many conditions and restrictions that in effect there is not likely to be much difference, if at all, from the view prevailing in Mysore.

of them may be utilised under Section 10 of the Evidence Act for the purposes of this case. I ave nothing to add in this connection to what what the learned Chief Justice has already observed Mr. Srinivasa Iyengar referred us to a recent case of their Lordships of the Privy Council which lays down that Section 10 has only -- application to the statements made and acts done prior to the completion of the offence. In this case the confessions were after the offence was completed and there is no evidence that Accused 5 was one of the conspirators. I do not think section 10 has any application.

The learned Public Prosecutor urged, as a last resort, that the confession of the approver may be taken as corroboration of his evidence in order to convict those who have been acquitted. He referred to two cases in Madras (King-Emperor v. Nilakanta, 35 Mad. 247; and Muthukumaraswami Pillai v. King-Emporor, 35 Mad. 397(F.B.) where a previous confession of an approver was treated as corroboration. What the cases lay down is that previous statements of an accomplice can legally amount to corroboration under Section 157 of the evidence given by him at the trial. For instance, such previous statements may be of importance if it was alleged that the witness was influenced later, and may be used to dispel such suggestion. But ordinarily, I am inclined to think that a repetition of

of Accused 1 or of the approver for this purpose would amount to supporting one piece of tainted evidence by another piece of tainted evidence. What we require is independent corroboration and not the previous confession either of the approver or the confession of another Accused in the case. The position therefore is that there is no acceptable corroboration of the approver's story, which in itself has not been believed in its entirety by the learned Sessions Judge, to connect either Accused 4 or Accused 5 with the offences with which they are charged.

I agree that the appeals against Accused 4 and Accused 5 be dismissed, while the convictions of the other Accused will stand. The sentence of death on Accused 1, Accused 2 and Accused 3 may be confirmed.

Sd/- C. Abdul Ghani
Judge

Copy
Sd/- [illegible]
Jr Registrar

IN THE HIGH COURT OF MYSORE
AT BANGALORE.

Criminal Appeals Nos. 19 to 21 of 1940-41.
Criminal Referred Case No. 1 of 1940-41.

Appellants.

K. M. Narayana Reddy--Accused 1.
(Appellant in Cr. A. 19 of 1940-41.)

Muniga—Accused 2.
(Appellant in Cr. A. 20 of 1940-41.)

Rama—Accused 3.
(Appellant in Cr. A. 21 of 1940-41.)

Judgment in

Bangalore Sessions Case No. 30 of 1940-41. 37-40

IN THE COURT OT THE SESSIONS, BANGALORE DIVISION.

Dated Bangalore, the 12th September 1940.

Present—

A. SUNDARARAJA RAO, ESQ., B.A., B.L.,

Second Additional Judge.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Complainant.		*Accused.*
Government of Mysore, (By Bangalore City Police).	*Vs.*	1. K. M. Narayana Reddy. 2. Muniga. 3. Rama. 4. Maddura *alias* Munimaddura. 5. S. K. Venkatarangiengar.

JUDGMENT.

1. The Special First Class Magistrate, Bangalore City, who had been appointed o hold an enquiry in this case, has committed the five accused to take their trial before this Court for offences under Sections 364 and 302 of the Indian Penal Code ead with Sections 34 and 109 and 114 of I. P. C. The 5th accused was further harged for the offences under Sections 364 and 109 of I. P. C. and under Sections 465, 467 and 468 of I. P. C.

2. When the trial was about to commence in this Court, the Public Prosecutor nade an application for amendment of the charges. Accordingly, the charges were amended and the charges as amended now are that the accused 1 to 4 stand charged vith the offences under Sections 302 and 364 of I. P. C. The 5th accused has been harged with abetting A1 for the offences punishable under Sections 364 and 302 of I. P. C. At the request of the Public Prosecutor, the charges of forgery and allied offences against the 5th accused have been postponed to a separate trial as t was considered embarrassing for the other accused if the 5th accused also is tried for these offences along with them in one and the same trial. The trial is, therefore, restricted only to offences under Sections 302 and 364 and the abetments of those offences by the 5th accused.

3. The trial relates to the unfortunate death of Mr. M. Krishna Murthy, a prominent member of the Bangalore Bar. The accused 1 to 4 have been charged with the offences of abducting Mr. Krishna Murthy with intent to murder and actually murdering him under the instigation of the 5th accused S. K. Venkatarangiengar. The 1st accused in this case is K. M. Narayana Reddy, a well-to-do contractor and he has inherited considerable properties from his father the late Mr. Muninanjappa. The 2nd and the 3rd accused are said to be the servants of the 1st accused and the 4th accused is his tenant. The 5th accused S. K. Venkatarangiengar is also a promient member of the Bangalore Bar and is the Legal Adviser to the Bank of Mysore for the last 3 years. The alleged murder is said to have taken place on the night of 2nd March 1940 in the National High School field situated in Shankarpur, bounded on one side by the Hardinge Road and on the other by the Sri Krishnarajendra Road within the limits of Bangalore City. To the north of that field is the Mahila Seva Samaj and to the south is the National High School. This field is also by the side of Basavangudi Circle and the North Road, Basavangudi.

4. The late Mr. M. Krishna Murty was residing in a house in the North Road a few yards off from Basavangudi Circle. He had his chambers in the Cottonpet and the evidence shows that it was usual for him to attend his chambers in the evenings and to walk home back at night and traversing on his way the

Cottonpet, the Hardinge Road and *via* the National School field. This field is by the side of the Hardinge Road and people generally resort to that field as a short-cut to go to their houses. Mr. Krishna Murthy probably used to do the same thing instead of traversing the entire Hardinge Road and a portion of the North Road before going to his house. While he was so going on the night of 2nd March 1940 as usual he is said to have been murdered.

5. In order to understand the story of the case for the prosecution, it is necessary to state briefly the history of the 1st accused's family.

6. The father of the 1st accused late Mr. Muninanjappa started his life as a humble wage-earner and a brick-layer and rose to the position of an influential building contractor and money-lender in the C. & M. Station. He owned considerable properties before his death and the value of his properties may be safely assessed at about 3½ lakhs of rupees. P. W. 79 Lakshmamma is his widow and the late Mr. Muninanjappa died on the 8th of January 1935 leaving behind him nine children including the 1st accused. The 1st accused was the oldest of the children at the time of his death. Excepting the 1st accused all the rest were still under 18 years of age. The late Mr. Muninanjappa was formerly living in his ancestral house in 'G' Street, Jougupalyam, and later on he was living in his another house at No. 22, Cambridge Road, Ulsoor, C. & M. Station. The 1st accused was also associated with Mr. Muninanjappa in his building contracts at the later part of Muninanjappa's career. The 1st accused has not much of educational qualification though he was in the school for some time. The prosecution allege that he was a prodigal and a spend-thrift and was playing in the hands of others.

7. Mr. Muninanjappa was ill for some time before his death and as early as October 1934 about three months before his death Lt. Col. J. B. Hance, the Seniormost Residency Surgeon now in Bangalore had been called in for consultation. He has prescribed some medicine to Mr. Muninanjappa on 7th October 1934 as per prescriptions Exts. P. 163 and P. 189. According to Lt. Col. Hance, Mr. Muninanjappa was treated then for certain diseases of the gall bladder and bile ducts. On the 7th of January 1935 *Sastravydyapravina* Dr. S. Subba Rao had also been called in for treating Mr. Muninanjappa. He has prescribed the medicine as per Exts. P. 158 and 158(a)—prescriptions. That medicine was intended to increase the secretion of urine and for strengthening the heart. On the 8th of January 1935 the death of Mr. Muninanjappa took place.

8. Before his death Mr. Muninanjappa had deposited Rs. 82,000 in the Bank of Bangalore in the name of himself and his wife and children besides Rs. 17,559 and odd in Savings Bank and current accounts. The Fixed Deposit Receipts Exhibits P. 168 to P. 177, show these deposits. Four of these deposits were made on the 14th of October 1932 and the rest on the 1st of November 1932. Except one deposit as per Exhibit P 174, which stood in the name of Mr. Muninanjappa and his wife Lakshmamma, the rest were all in the names of his minor children. He withdrew some of these deposits on 29th October 1934 and some on 1st November 1934. On 5th November 1934 he added another Rs. 3,000 to this sum of Rs. 82,000 and deposited Rs. 85,000 in the Bank of Mysore as per Fixed Deposits Exhibits P. 17 to P. 25. Out of Rs. 85,000, Rs. 10,000 was deposited in the name of Kodandarama Reddy, Rs. 10,000 in the name of Balakrishna Reddy, Rs. 10,000 in the name of Purushothama Reddy, Rs. 10,000 in the name of Janardhana Reddy, Rs. 10,000 in the name of Madhava Reddy, Rs. 15,000 in the name of Sharadamba, Rs. 5,000 in the name of Komalamba and Rs. 5,000 in the name of Meenakshi and Rs. 10,000 in the name of Srimathi Lakshmamma. The first eight deposits are in the names of his minor sons and daughters. The last was in the name of his wife. As all the abovesaid sons and daughters were minors at that time, he and his wife became guardians of these minor depositors with a condition that the Fixed Deposits after maturity should be paid to either or survivor of the guardians. These Fixed Deposits were made on 5th November 1934. Besides this sum the deceased Mr. Muninanjappa had also 155 shares in the Bangalore Bank of the face value of Rs. 1,550. Out of these 155 shares, 55 shares stood in the name of Mr. Muninanjappa and his wife jointly and the remaining shares stood in the name of Mr. Muninanjappa and 1st accused. He had also current account in the Bangalore Bank as per accounts Exhibit P. 178 (a), P. 178 (b) and P. 178 (c). He had also Savings Bank Account. The 1st accused also had a current account in the same Bank. Besides this, Mr. Muninanjappa had opened a Savings Bank Account in the

name of his minor son Kodandarama Reddy. Mr. Muninanjappa died, as I said, leaving a large number of bungalows and lands and cash dealings on the 8th of January 1935. He is said to have lent over a lakh of rupees to his debtors. After his death, the 1st accused, who was the only major son of Mr. Muninanjappa, continued to live with his minor brothers, sisters and mother in the same house No. 22, Cambridge Road. Subsequently, disputes arose between the mother and the son, and the son stayed in No. 22, Cambridge Road, and the mother shifted to another house of theirs in Jogupalya. Laterly, she is now living in Gandhinagar with her children. After the death of Mr. Muninanjappa and after disputes arose between the mother and the son, the 1st accused set up a will said to have been executed by his father Muninanjappa on 5th January 1935, three days before his death. The mother Lakshmamma denied all knowledge of the will and contested its genuineness. According to the terms of the will, about which I shall deal later, the 1st accused and Lakshmamma, his mother, were both appointed co-executors with regard to the sum of Rs. 85,000 which was in deposit in the Mysore Bank in the names of the several minor sons, daughters and Lakshmamma: Lakshmamma had an absolute interest in the sum of Rs. 2,000 out of Rs. 10,000 in her name and with regard to Rs. 8,000 she had only a life interest and with regard to the deposits in the names of the minor children, there was not much of variation in their disposal. The 5th accused, who is alleged to be the family lawyer of the 1st accused and of his father Mr. Muninanjappa, is said to have got the will drafted and executed. After disputes arose, the 1st accused wrote to the Bank of Mysore to say that the fixed deposits should not be allowed to be withdrawn by Lakshmamma, as according to the terms of the will he and Lakshmamma were co-executors of the will, and all the deposits had to be disposed of according to the terms of the will. He wrote to the Bank at first on 28th May 1935.

9. In the meanwhile, notices were exchanged between the 1st accused and his mother with regard to certain other properties of the family and all the disputes were referred to Lakshmamma's counsel the late Mr. Suryaprakash who was living in Civil and Military Station at that time. Mr. Suryaprakash tried to bring about some compromise between the parties and he called for a copy of the will from the 1st accused and from the 5th accused. The prosecution allege that in spite of repeated notices by Mr. Suryaprakash, the 5th accused failed to produce a copy of the will and when Lakshmamma went and told him to show the will, he at first put her off and then said that he would read the will to her on certain conditions which would be beneficial to him and when she pleaded ignorance of the will, he would not read or give her a copy of the will. Eventually, it was arranged that the 1st accused, the 5th accused and Lakshmamma should meet Mr. Suryaprakash on a particular day somewhere in November 1935. On that day though Lakshmamma was present, the 1st and the 5th accused did not attend that meeting in Mr. Suryaprakash's house. It was one of the conditions that Lakshmamma should produce Fixed Deposit receipts for Rs. 85,000 and the 1st accused should produce the accounts that had been left by his father. When on that day the 1st and the 5th accused did not turn up, Mr. Suryaprakash advised Lakshmamma to withdraw the fixed deposit amounts from the Bank of Mysore. These Fixed Deposits were for a period of one year and they had matured by 5th November 1935. It is after that she wrote to the Bank expressing her intention to withdraw these fixed deposits when she was told by the Bank that they had received a prohibitory order from the Court asking them not to pay the amount to her until further orders. By that time, the 1st accused filed an application under the Guardian and Wards Act for his appointment as guardian of his minor brothers and sisters with regard to the fixed deposit amount as that were in the Mysore Bank. That was on 16th November 1935. On the same day, he filed an application to the Court to prohibit the Bank from paying the fixed deposits to Lakshmamma and obtained an order of temporary injunction. In that application, which was registered as Mis. 67—35-36, on the file of the District and Sessions Court, Bangalore, the 1st accused made a statement that he had filed a true copy of the will left by his father Mr. Muninanjappa appointing him and Lakshmamma as joint executors and guardians of the person and properties of the minors. As a matter of fact, a copy of the will was not filed along with this application. That application was pending for about four years. In the end, the Court refused by its order, dated 4th March 1939, to appoint the petitioner as guardian of the

minors, When Mis. 67—35-36, was still pending, Sharadamba, one of the minor sisters of the 1st accused, attained majority and demanded that the injunction order against her should be withdrawn as she had become a major. As I have already stated above, Rs. 15,000 had been kept in fixed deposit in her name and since she had attained majority, she contended that the Guardian and Wards Act could not be made applicable to her and that she was at liberty to withdraw the money. The Court conceded her position. After this was done, the 1st accused filed a suit O. S. 11—37-38, against Lakshmamma and Shardamba in whose names there were fixed deposits of Rs. 10,000 and Rs. 15,000, respectively, for a declaration that these sums belonged to the estate of the deceased Mr. Muninanjappa and that they were not the absolute properties of the said Lakshmamma and Sharadamba and for certain other reliefs. The 1st accused also filed an application to restrain these two persons by means of a temporary injunction from drawing the amounts from the Mysore Bank and obtained an order in his favour. This suit was eventually dismissed by the Additional District Judge on 25th March 1940 on account of default of the 1st accused. In that suit the Additional District Judge has also written a judgment holding that the will is not proved.

10. On 30th June 1939 the 1st accused filed an application before the District Judge in Mis. 257 of 1938-39, requesting tne Court to grant a probate of the will of his father, dated 5th January 1935. All these proceedings were opposed by Lakshmamma and they were very keenly contested. This probate application was registered as O. S. 10—39-40 according to the Rules of Practice issued by the High Court. In all these proceedings the main contention was about the genuineness of the will referred to by the 1st accused as that of his father's.

11. In the C. & M. Station District Judge's Court also the 1st accused filed an application for the grant of a probate to the will of his father in O. P. 47—39 under Section 276 of the Indian Succession Act, 1925. That has also been contested by Lakshmamma. That was registered afterwards as a suit O. S. 38-39. The value of the estate, according to the schedule to that petition, was Rs. 68,500. In all these proceedings both in the City and in the C. & M. Station Courts, Mr. M. Krishna Murthy was appearing for Lakshmamma. For the 1st accused til about 4th March 1937 the 5th accused appeared and afterwards he ceased to appear Then for the cases in the City Courts Mr. M. P. Somasekhara Rao was appearing and Mr. H. S. Narasiah for the cases in the Cantonment Courts was appearing for A1 subsequent to 4th March 1937.

12. In all these proceedings Lakshmamma also contended that the 1st accused had got up a will with the connivance of the 5th accused in order to defraud her and her minor children. The 5th accused was a witness for the 1st accused in O. S. 10—39-40 and O. S. 11—37-38 and O. S.—38—39 in both the City and Cantonment Courts. The 1st accused filed a witness list in the District Judge's Court, C. & M. Station in O. S. 38—39 on 8th February 1940. Mr. H. S. Narasiah, P. W. 104, was his Advocate in that case and A5 was one of the witnesses summoned. A process memo was filed on 26th February 1940 for summoning A5. Summonses were issued to A5 to appear on 13th February 1940. The summons issued on 9th February 1940 to appear on 13th February 1940 was served on the office of A5 and A5 did not appear on 13th February 1940 in the Court. Again another summons was ordered for the hearing on 26th February 1940 and that was not issued for want of time. The case was finally adjourned to 4th March 1940 as a last chance. On 4th March 1940, when the case was taken up, it was found that no summons had been taken to A5 either to give evidence or to produce the will. After 13th February 1940 the summons was taken only to the 5th accused to cause the production of the will but no summons was actually issued or served on the 5th accused. On 5th April 1939 Lakshmamma filed also an application under the Legal Practitioners Act against the 5th accused in Mis. 191—38-39 on the ground that he falsely pleaded that a copy of the will had been produced in Mis. 67—35-36 though, as a matter of fact, no such copy had been produced at the time the application was filed on 16th November 1935. Her application was dismissed on 14th February 1940 without notice to the 5th accused. At about the same time Lakshmamma also filed an application against her son, the 1st accused, requesting the Court to prosecute the 1st accused on the ground that he had made a false allegation that a copy of the will had been produced in Mis. 67—35-36 though, as a matter of fact, no such copy had been filed on 16th November 1935.

That application also was dismissed by the learned District Judge on 15th January 1940. It is seen from the history of this litigation that all through there was bitter animosity between the 1st accused and her mother Lakshmamma and Mr. Krishna Murthy was advocating the cause of Lakshmamma all through this litigation and, as the evidence shows, he was taking more than a professional interest in the litigation pertaining to Lakshmamma. Mr. Krishna Murthy began to appear for Lakshmamma in Mis. 67—35-36 and was her counsel till his death on 2nd March 1940. Certain suits had also been filed by the 1st accused against the debtors of his father's estate and in this also the question of the Will came into prominence as the 1st accused claimed the sole right of filing this suit himself as an executor under the Will and impleading Lakshmamma as a co-defendant on the ground that she had refused to join as plaintiff. From this series of litigation, the feelings between the mother and the son began to get more and more strained.

13. Against the order of temporary injunction granted by the learned District Judge in O. S. 11 of 37-38, Lakshmamma went in appeal to the High Court and obtained an order dissolving the injunction passed by the District Judge. On 8th December 1939, the High Court while dissolving the injunction granted in the lower Court awarded costs of Rs. 37-6-0 in Mis. Appeal 1—39-40 to Lakshmamma. On 13th January 1940 Lakshmamma filed an application for executing the order for costs and obtained an order in the first instance on 29th January 1940 for attachment of the car of the 1st accused. That car is M. O. 3 in this case. Eventually the attachment warrant for attachment of the car was issued, returnable by 4th March 1940. On 1st March 1940 Mr. M. Krishna Murthy prayed for a fresh attachment warrant on the ground that the car sought to be attached was taken away to C. & M. Station, Bangalore. This attachment warrant was returned to Court on 2nd March 1940. While in Court on 2nd March 1940, the 1st accused was informed by his driver P. W. 33 Ponnambalam, who is the approver in the case, that he learnt from P. W. 20 Chikkaveeriah that there was an attachment warrant for the car and that he had taken the car home and left it there. It is seen from the history of the above litigation how the 1st accused was being opposed tooth and nail by her mother under the advice of Mr. M. Krishna Murthy. The genuineness of the Will was impeached. Proceedings were started against the 1st accused and his car was sought to be attached. These things came to a crisis on 2nd March 1940. I will deal a little more exhaustively with the history of this litigation as I shall have to refer to these cases later on while discussing the evidence.

14. When O. S. 38/39 was for hearing on 4th March 1940 and it had been peremptorily posted for 4th March 1940 and it was doubtful whether any further adjournment could be granted as the parties had been warned by the Judge, it behoved the 1st accused to see that the Will was produced in the C. & M. Station Court by 4th March 1940. It may be stated now that the original Will, which was admittedly in the possession of the 5th accused, had been produced in Court on 4th March 1937 in Mis. 67—35-36 on a peremptory order passed by the Judge. It is not known why the original Will was not produced all along though a copy of it was produced on 25th March 1936. The prosecution allege that if the Will had been produced on 4th March 1940 and if Mr. Venkatarangiengar had been cross-examined by Mr. M. Krishna Murthy, the forgery of the Will could have been exposed by Mr. M. Krishna Murthy. In order to avoid this contingency of being exposed and being hauled up as forgerors, the 1st accused with the aid and instigation of the 5th accused is said to have caused the death of Mr. M. Krishna Murthy with the help of his servants and the driver, *viz.*, A2 to A4 and approver P. W. 33 Ponnambalam.

15. The motive, as the prosecution allege, for this murder is to hide the forgery committed by the 5th accused and the 1st accused. It is said that if Mr. Krishna Murthy was got out of the way, the forgery would be screened.

16. According to the prosecution, the murder was committed under the following circumstances:—

On the morning of 2nd March 1940 A1 and A5 met near Ananda Bhavan Hotel and had some conversation. Again they met in the Court premises at about 1 P.M. and had a further conversation. On that morning A1 went to the Court premises at about 10-45 A.M. to meet A5. He came to the Court in his Talbot

Car M. O. 3 driven by P. W. 33 approver Ponnambalam. He left the car in the mango grove in the Court premises in charge of P. W. 33 and went in search of A5. A1 and A5 met somewhere at about 1 P.M. and had a talk. Afterwards A1 and P. W. 33 had some lunch. A1 went back again to the Court premises. During the absence of A1, P. W. 20 Chickveeriah told Ponnambalam that there was an attachment order for attaching A1's car M. O. 3. Hearing this, Ponnambalam took away the car and left it in A1's house in the C. & M. Station and returned to the Court premises and when A1 met him at about 4-30 P.M. he told him what he did and about the attachment order. Thereafter A1 and P. W. 33 went in a bus to Ulsoor where A1 lives. A1 got annoyed at this attachment order. After going home, he sent Ponnambalam to fetch some petrol for his car from Mr. V. T. Padmanabhan's petrol pump. He told A2 who was in his compound to go and fetch A3. P. W. 33 filled the car with petrol and came back. Then A1 and P. W. 33 went in that car to P. W. 21 Mr. Misri's estate about 3½ miles from A1's house. There, leaving the Talbot Car M. O. 3, A1 took a loan of Mr. Misri's van. That van is a seven seater one and was used for transporting articles, such as vegetables, etc. While leaving his own house, A1 had taken an overcoat M. O. 2 and a double barrel gun. A1 told Mr. Misri that he wanted the van to go to some village and that his car was giving some trouble. Mr. Misri lent his van to A1. From there A1 and P. W. 33 went to Murugeshapalya, which is on the way between Mr. Misri's estate and Ulsoor. There they picked up A4. Then A1, A4 and P. W. 33 came in that Ford van of Mr. Misri to A1's house. There they picked up A2 and A3 who were waiting there. From there they started from Ulsoor and came to South Parade. There they took one gallon of petrol for the van from Webb's Service Station and proceeded *via* Cubbon Park, Jail Road and Railway Station Road to the Cottonpet. There in the Cottonpet at the commencement of that street is situated the late Mr. Krishna Murthy's chambers. It was usual for Mr. M. Krishna Murthy to visit his chambers in the evening after the Court work was over. There A1 told P. W. 33 to find out if Mr. Krishna Murthy was there. Finding that he was not there, they proceeded in the same road and found Mr. Krishna Murthy going a little in advance of them. Then A1, who was driving the van, drove the van in advance of Mr. Krishna Murthy and went to a lane and got the front number plate of the van bent. From there they came near the Sanskrit College in the Hardinge Road and waited for Mr. M. Krishna Murthy's arrival. After Mr. Krishna Murthy came there, A1 told A2 to A4 and Ponnambalam to follow Mr. Krishna Murthy and that he himself would go in advance and wait in the National High School field. These people followed Mr. Krishna Murthy on foot as far as the National School field. When Mr. Krishna Murthy came to the National School field, A1 tried to dash him by reversing the van against him. Mr. Krishna Murthy avoided this and came and began abusing the driver of the van. In the meanwhile, these four persons who were behind, *viz.*, A2 to A4 and P. W. 33 Ponnambalam came nearer the van. A2 held the feet of Mr. Krishna Murthy and A3 held the chest and they both suddenly pushed him inside the van, the trap door of which had been open. The trap door is at the back of the van and when opened it falls flat. After pushing Mr. Krishna Murthy inside this van, A4 and Ponnambalam also got in P. W. 33 closed the door of the van. Mr. Krishna Murthy began bawling out: then A3 pressed with one hand the mouth of Mr. Krishna Murthy and with the other hand he put a rope round his neck and tightened the loop to strangle him. A2, who was sitting near the feet of Mr. Krishna Murthy tied his feet with a big rope M.O.1. By the time this was over, A1 drove the van at high speed and when they came to Basavangudi Circle for about a furlong or two from the National School field *via* Hardinge Road, Mr. M. Krishna Murthy's life was extinct. Then passing through the North Road, Lal-Bagh Road, Mental Hospital Circle, they went for a short distance in Anekal Road and then returned to Ulsoor in the van. At Ulsoor at a junction between the Cambridge Road and the Artillery Road, A4 stopped away. Then A1 to A3 and P. W. 33 went with the dead body to Konena Agrahara on sixth mile in the Bangalore-Varthur Road. There is a casuarina tope there. A2 and A3 removed the dead body of Mr. Krishna Murthy and kept it in the tope there. From there A1 and P. W. 33 returned in the van leaving A2 and A3 to be there. A1 came to Mr. Misri's estate and returned the van. The articles found on Mr. Krishna Murthy's body such as a turban, spectacles, sandals, etc.. were removed from the van and put into the Talbot car of A1 which was in Mr. Misri's compound.

From there A1 and P. W. 33 returned again to Konena Agrahara and put the dead body of Mr. Krishna Murthy in that Talbot Car M.O. 3. Before the van was returned, it was filled with 2 gallons of petrol purchased from V.T. Padmanabhan's pump. After putting the dead body in the car they went *via* the Bellary Road into the Dodballapur Road and at about the 10th mile stone they stopped the car, removed the dead body and put it into the casuarina tope. From there all these four returned and at the Hebbal Tank they threw away the turban, the panche, the spectacles, sandals, walking stick, etc., of Mr. Krishna Murthy. After coming to Bangalore, A1 got a taxi of P.W. 29 Abul Rahiman for hire and gave Rs. 15 to Ponnambalam and went away home saying that in that taxi the dead body of Krishna Murthy should be disposed of. Abdul Rahiman did not drive his taxi. He lent his taxi to Ponnambalam P. W. 33 at the instance of A1. P.W. 33 purchased four gallons of petrol late at night and with A2 and A3 went to Puttanahalli casuarina tope where the dead body was deposited. From there after passing three Railway level-crossing gates and travelling further in the Doddaballapur Road they came to the Subrahmanya Ghati Road about 200 yards from the main road. There in the Subrahmanya Ghati road they threw away the dead body by the roadside and returned home at about 5 a.m. on Sunday morning, *i.e.*, 3rd March 1940. P. W. 33 mentioned to A1 what all he did. Then A3 and Ponnambalam went to the apple garden of A1 where they both were living. A2 stayed away in the compound of A1.

17. At about 7-30 a.m. on Sunday morning A1 and A5 met and had a talk. When A1 returned the van to Mr. Misiri at about 9 p.m. on 2nd March 1940, he told Mr. Misri that the loan of the van to him should not be divulged to any one as he had run over a goat and that the people may be after him. He sent a similar request with P.W. 33 on the 3rd morning when the latter went to return the pump that had been borrowed the previous night.

18. Till the 7th of March 1940 no clue was found for the murder of Mr. Krishna Murthy. Meanwhile, as Mr. Krishna Murthy did not return home as usual on the night of the 2nd March, his people began making enquiries and his brother-in-law sent a telephone message to the Central Police Station the next morning. He filed a formal complaint with the Police on 4th March 1940. Mr. Krishna Murthy's junior Mr. G. K. Raghavendra Rao also filed a complaint to the Police on the 4th March 1940. On the 4th March 1940 at about 11 a.m. a Police Constable attached to the Ghati Subrahmanya Out-post received information that a dead body was lying by the side of the road. He immediately gave a report to his superior officer. On the 5th of March this dody was indentified as that of Mr. Krishna Murthy's. A post mortem examination was held and the post mortem examination showed death was due to strangulation. Then the investigation was started and the Dodballapur Police, who held the inquest transferred the case to the file of the Bangalore City Police for further investigation.

19. On the 7th of March 1940 P.W.21, Mr. Misri, having read about the murder of Mr. Krishna Murthy and having heard that a van was used in connection with the murder felt suspicious and consulted P.W. 26, Mr. Safi Darashah, a friend of his. The latter gave information to the Police about the conversation he had with Mr. Misri. The Police arrested A1 to A3 early in the morning of 8th March 1940 and later on A4 the same day. A1's confession statement was recorded on 9th March 1940 in the evening. A5 was arrested on the 10th March 1940 in the afternoon. The Police after the usual investigation placed a charge-sheet on 23rd March 1940. On 19th March 1940, P.W. 33, who was then an accused, also made confession in which he made a clean breast of the whole affair. On the 1st of April 1940 he was tendered a pardon on condition that he spoke the truth and he was taken as a witness. The Police after further investigation filed a supplementary witness list on the 4th April 1940. This, in brief, is the history of the case as seen from the prosecution evidence.

20. The prosecution have examined 106 witnesses and have filed about 300 documents. The 5th accused has examined 11 witnesses. The other accused have not examined any witnesses on their behalf.

21. We have to depend on the main incidents of the prosecution story with regard to the murder and abduction on the evidence of approver P. W. 33, Ponnambalam. He corroborates the prosecution version which I have mentioned

above. He seems to be an adventurer, a native of Vellore and is educated up to about V Form in some school in Madras. He took service under the 1st accused 3 years ago as a motor cleaner on Rs. 10 a month. He knows him for the last 13 years. Before that, Ponnambalam was working in Bombay, Nagapur, Hyderabad and Bezwada as a motor mechanic, as an electrician, as a talki operator, etc. He is now 29 years of age. He gave up those jobs for some reason or other and he states that under the persuasion of his father, who was in Bangalore, he returned to Bangalore. He seems to own an ancestral house in the C. &. M. Station. He is an unmarried man and has a mother now. His father is dead. After his coming to Bangalore in about 1937 he seems to have taken service under A1. He was doing some electrical work also for him but was mostly his cleaner. According to him, the 1st accused had complete confidence in him and he used to take him wherever he went in his car. He is a well-built stalwart fellow and is capable of undertaking any hazardous jobs down to murder. According to his own statement he was a co-perpetrator in the dastardly murder of Mr. M. Krishna Murthy.

22. That Mr. Krishna Murthy did not die a natural death cannot be disputed. Then the question arises as to whether Mr. Krishna Murthy was murdered and if he was murdered, whether he was murdered by A1 to A4 and whether with a view to murder he was abducted.

23. There is overwhelming prosecution evidence to show that Mr. Krishna-Murthy was abducted with intent to commit murder and that he was actually murdered after abduction. The evidence of P. W. 33 Ponnambalam and P. W. 97 Mr. M. P. Somasekhara Rao shows that at about 4 p.m. on 2nd March 1940 the 1st accused Narayana Reddy appears to be excited on the ground that there was an order for attachment of his car for the costs of appeal due to his own mother. On account of certain costs due to Lakshmamma in Mis. Appeal 1—39-40 on the file of the High Court, Lakshmamma executed the order for costs in Exhibit 70—39-40 on the file of the Bangalore District Judge. In that case Lakshmamma asked for attachment of the car belonging to the 1st accused among other prayers. The Court passed an order for attachment on 29th January 1940 and attachment warrant was issued on 13th February 1940 returnable by 4th March 1940. The car, which was the subject of attachment, was the Talbot Car M. O. 3, which was being used by A 1. That Execution application was filed through Mr. Krishna Murthy by Lakshmamma. Exhibit P. 108 is the attachment warrant issued for the attachment of the car. As per Exhibit P. 108 (*b*) Mr. Krishna Murthy wrote on the warrant that a fresh attachment warrant may be issued as the car sought to be attached was taken away to C. & M. Station, Bangalore. P. W. 62, Amin S. Subba Rao, returned the warrant to the Court on 2nd March 1940 with his endorsement as per Exhibit P. 108 (*c*).

24. P. W. 56 is the Process Nazir of the First Munsiff's Court, Bangalore, through whom that warrant was issued to P. W. 62. After that warrant was returned to the Court on 2nd March 1940, P. W. 20 Chickveeriah states that he had gone to the Court on 2nd March 1940 and at about 2 or 3 P.M. Kodandarama Reddy, the younger brother of A1, was boasting that he was attaching A1's car and that he gave information of this to P.W. 33 Ponnambalam, who was in the car of A1 in the Court premises. P. W. 33 Ponnambalam states that on hearing this attachment order, he took away the car and left it in the garage of A1 in Ulsoor and returned and that when A1 questioned him about the car he gave intimation of the attachment to A1. On hearing this A1 seems to have made enquiries with the Process Nazir as to what amount should be deposited. P.W. 97 Mr. Somasekhara Rao states that on 2nd March 1940 A1 told him that he had heard that a warrant of attachment had beeen issued for attaching the car and that it was returned unexecuted and that he told him to make enquiries and that A1 appeared to be upset somewhat and particularly grumbled when he saw that for a small sum attachment of his car had been asked for. Mr. Somasekhara Rao further states that after enquiring in the Court A1 came and told him that the attachment warrant was for Rs. 40 and that the warrant had been returned. According to Mr. Somasekhara Rao, the 1st accused came to him at first on that day at about 1 or 1-30 P.M. and even at that time alone he appeared upset hearing that there was a warrant for attachment of his car and that he advised A1 to deposit the decree amount on Monday. He further states that between 1 and 1-30 P.M. A1 came and told him that he learnt that a warrant for attachment had been issued against him and that

he told him to make enquiries and find out what had become of the warrant and that later on he came and told him at about 3-30 or 4 P.M. that the warrant had been returned unexecuted. Ponnambalam also has given information of the attachment order. At 4-30 P.M. A1 went to his house with P. W. 33 Ponnambalam. P. W. 33 states that after he went home A1 told him to go and fill the car with 2 gallons of petrol from the petrol bunk of Mr. V. T. Padmanabhan and that he went and filled 2 gallons of petrol in the car M. O. 3.

25. That he purchased petrol is seen from the petrol indent chit Exhibit P. 98. It is the counterfoil of the petrol indent book which is generally supplied to the customers who purchase petrol on credit. P. W. 43 Prakash, who is a clerk in Mr. V. T. Padmanabhan's petrol pump states that on 2nd March 1940 at about 4-30 P.M. he supplied 2 gallons of Petrol to Ponnambalam on behalf of A1. This sale on credit is entered in the petrol account book maintained in the pump as per entry Exhibit P. 106 (*b*) in the account book Exhibit P. 106. After taking the petrol A1 is said to have left his house with P. W. 33 and gone to the estate of Mr. Misri. Mr. Misri deposes that his estate is about 6½ miles from the Court house and that he is an agriculturist and that he knows A1, who was his neighbouring farmer for some time. He also knows P.W. 33 Ponnambalam as A1's driver. He states that on 2nd March 1940 at about 6-45 P.M. A1 came to him that evening in his Talbot Car with P. W. 33 and wanted the loan of his Ford Van M. O. 4 to go to a village and that as A1 said that his car was giving some back axle trouble, he lent his van M. O. 4 to him and that A1 left his car with him. After this, he also states that the van was returned to him the same night at about 9 P.M. by A1 and P. W. 33. In the course of the conversation between him and A1, he states that A1 told him that night that he knocked over a goat and that he did not want it to be known by any one that he had barrowed his van and that he agreed not to divulge this to any one. The next day this witness saw A1 in the Globe Cinema at about 8 P.M. and even there the 1st accused is said to have questioned him as to whether any one had come to enquire about his van. P. W. 21 seems to have told him that none had come so far. P. W. 21 further states that on 3rd March 1940 at about 11 A.M., P. W. 33 Ponnambalam had come to return the pump which he had taken as a loan the previous day and while returning the pump Ponnambalam told him that there was an accident the previous evening. He goes on to say by the 7th March 1940 he read in the papers and that he learnt also that a van had been used in connection with a murder of the Bangalore Advocate and that he was feeling anxious and that he consulted P. W. 26 Mr. Safi Darashah, whether his loan of the van to A1 was all important. It is through him that the prosecution were able to get first-hand information about the origin of the murder. He seems to be a respectable witness and has spoken the truth. He was using that van for taking his things from the farm.

26. P. W. 41 Joseph, an attender in Webb's Service Station, states that on 2nd March 1940 he supplied one gallon of petrol for cash to driver Ponnambalam, who was in charge of the van M. O. 4 then. He has noted the sale of this as per Exhibit P. 104 (*a*). This was sold for cash. Then from Webb's Service Station A1 to A4 and P. W. 33 came through the various routes as I have stated above to the National School field.

27. There is the evidence of Sharabhanna P. W. 17 and P. W. 18. R. Srinivasa Rao that at about 7-30 P.M. on the night of the 2nd March 1940 they saw Mr. M. Krishna Murthy walking in front of the Apex Bank towards Basavangudi. Mr. R. Srinivasa Rao states that he was going to Shankarpur and that he met the deceased Krishna Murthy near the Shankariah Hall in the Hardinge Road. These are the two persons that have seen Mr. M. Krishna Murthy last alive.

28. That this M. O. 4, the van was seen in the National High School field at about 7-30 P.M. that night is first spoken to by P. W. 13 Thimmiah. He is a Motor driver working under Mr. B. G. Ramakrishniengar, the First Munsiff here. The latter's house is in the Hardinge Road behind the National High School field. As I have already stated, this National School field is between the Mahila Seva Samaj and the National High School. Thimmiah states he saw a motor van starting and that within half a minute after the van started from the field, he heard cries of ಅಯ್ಯಯ್ಯೊ from that field and that when he heard the cry he came to the gate of his master's house to see what it was and that the motor van was going in the Hardinge Road towards south and that it took a turn towards North

Road and then towards Lal-Bagh. P. W. 14 Mr. M. Ananthaswamy, a clerk in the District Registrar's Office, states that he saw a van similar to M. O. 4 in the National School Field at about the same time referred to by P. W. 13 and that he was going on a bicycle then and that the van overtook him and that from the place where the van was standing he heard a faint cry ಅಯ್ಯೊ and then the motor van went away towards Lal-Bagh. P. W. 15 S. Shama Rao, a clerk in the Comptroller's Office, states that he went to the National School field at about 7-30 P.M. for a stroll and that he was there for more than half an hour and that at about 7-45 P.M. a van similar to M. O. 4 entered the field of the Hardinge Road and that five minutes later the car was reversed and that it went forward again and that it was again reversed when he heard exchange of words between some persons. He also states that he heard the sound of somebody being beaten and that the victim crying out ಅಯ್ಯಯ್ಯೊ, ಅಯ್ಯಯ್ಯಪ್ಪಾ and that the car started and went away towards Hardinge Road and that he saw it again in the North Road in Basavangudi Circle and that there were 4 or 5 persons in the car at the place where it had stopped. He has been examined on the 4th March 1940 by the Police. He points out the spot where the van had stopped in the plan Ext. P2 prepared by P. W. 1, V. A. Krishnamurthy to show the location of the National School. The point P2. (*a*) is only about 30 or 40 yards according to him from the Hardinge Road and he was within 150 or 200 yards from the place where the car was standing. It was a dark night and there were no lights in the filed. The car stayed there only for five minutes.

29. P. W. 16, C. K. Srinivasa Murthy, also states that when he was going towards Basavangudi at that time he heard a cry coming from the field and that he saw a car similar to M. O. 4 coming from the field and going towards Lal-Bagh Road.

30. P. W. 24, Lingiah, a peon in the Senior Surgeon's house, swears that on 2nd March 1940 at about 8 P.M. when he was going to Senior Surgeon's house, which is situated in the North Road, he saw a van similar to M. O. 4 in the National School field and that it was going at high speed towards Hardinge Road while some one was crying aloud ಅಯ್ಯಯ್ಯೊ ಅಯ್ಯಯ್ಯೊ from the van and that he stretched his hands to stop the van and that the van did not stop but got into the Lal-Bagh Road at high speed. He has seen the van abovt 3 or 4 *marus* in the filed from the road. He has also been examined by the Police two days later. He has given information immediately to one of the students of the National School. The van that is referred to by these witnesses cannot be any other van than M. O. 4. This van has been identified by P. W. 13 Thimmiah. At about the same time Sharabhanna and Sreenivasa Rao, as I have already stated above, have seen Mr. Krishna Murthy. Mr. Krishna Murthy has not been seen alive by any one after that day. It must, therefore, follow that as stated by P. W. 33, approver Ponnambalam it must be Mr. Krishna Murthy that was shouting out for help and that it was that Mr. Krishna Murthy that was taken in that van by A1.

31. That this van was in possession of Ponnambalam at about 8-30 P.M. is spoken to by P. W. 43 Prakash, who states that Ponnambalam came to their bunk with the van and asked for 2 gallons of petrol to be given to him leaving the van at a little distance and when he told him that he could not give petrol separately without the car Ponnambalm told him that the van had stopped at a little distance for want of petrol and that after seeing that the van was there he supplied him two gallons of petrol as per credit indent chit Exhibit P. 99. Exhibit P106 (c) is the entry in the account book which shows the sale of two gallons of petrol on credit to Ponnambalam. After this, the van was returned to Mr. Misri at about 9 P.M. When they took the van to Mr. V. T. Padmanabhan's bunk at 8-30 P.M. Mr. Krishna Murthy's body was still in the van. From there, according to the approver P. W. 33, Ponnambalam, they went to Konena Agrahara in the 6th mile in the Bangalore-Varthur road and deposited the dead body of Mr. Krishna Murthy and returned the van to Mr. Misri. On their way to Konena Agrahara from the Lal-Bagh Road these people took the van through various roads to Ulsoor and that at a junction where the Cambridge Road meets the Artillery Road they dropped A4. This is spoken to by the approver Ponnambalam. From Mr. Misri's estate after handing over the van Ponnambalam states that they took back the Talbot car M. O. 3 and went to Konena Agrahara and put the dead body of Mr. Krishna Murthy in M. O. 3 and took it to Puttanahalli in the Bangalore-Goribidnur Road

about 10 miles from Bangalore and returned to Bangalore with A1, A2 and A3. Ponnambalam states that when they returned to Bangalore A1 went away home engaging a taxi belonging to P. W. 29, Abdul Rahiman, for them to take the dead body further and dispose it of.

32. P. W. 29 Abdul Rahiman corroborates him and deposes that A 1 requested him to give his taxi to Ponnambalam for going out somewhere and that when he lent the taxi A1 went away somewhere and that Ponnambalam took the taxi.

33. Ponnambalam further states that A1 gave him Rs. 15 for expenses and that out of that sum he purchased four gallons of petrol for cash in V. T. Padmanabhan's Petrol Bunk at about 10-45 or 11 P. M.

34. P. W. 42, Somasundaram, who was in charge of Mr. Padmanabhan's Petrol Bunk at the time, states that he supplied four gallons of petrol for cash between 10-45 and 11 P.M. on 2nd March 1940 for the taxi which Ponnambalam had brought and that Exhibit P 106, the account book, shows the sale of these four gallons of petrol. He has also noted the number of the taxi as B. A. 3396 (M. O. 14). P. W. 29 states that this taxi is his. P. W. 42 has put the date of sale in Exhibit P 106 as '3rd March 1940' as by that time the accounts of 2nd March 1940 had been closed and as he took charge of the petrol bunk after 9 P.M. from P. W. 43 Prakash. According to Ponnambalam, he and A2 and A3 went in this taxi to Puttanahalli where the dead body had been kept and there they took the dead body and put it in the taxi and went further up another 22 or 23 miles to Subrahmanya Ghati Road and there as they could not go further on account of darkness, they dropped the dead body in the Ghati Road and returned and that on their way they passed through three Railway level crossings.

35. That they passed through 3 level crossings is spoken to by P. Ws. 10, 11 and 12. P. W. 10 Anjani is a gate-keeper in the Arkavathi gate near Dodballapur. He states that he closes the gates at night and whenever the train passed and that he saw the motor car similar to M. O. 14 passing through the gate on the 2nd of March 1940 at about 1 or 1-30 A.M. after midnight and that half-an-hour or three-fourths of an hour later the same car returned to Bangalore from Dodballapur Road and that he opened the gate after the driver sounded the horn and that he saw 2 or 3 persons in that car. P. W. 11 Muniswamy is a gate-keeper near Yelahanka about 10 miles from Bangalore and he also deposes to his having seen the car M. O. 14 passing through his gate on the night of 2nd March 1940. According to him, he saw the car coming through his gate at about 2-30 or 3 A.M. and he detained the car as the train was about to pass through that gate from Dodballapur side and that the car also had returned from Dodballapur side. He also states that one person wanted some water stating that the engine was heated and that he promised to give him the water after the train passed and that without taking water the man went away. He identifies the car M. O. 14. P. W. 12 Chickmuniswamy is the younger brother of P. W. 11 and he corroborates what P. W. 11 has stated and he also identifies P. W. 33 Ponnambalam as the person that was driving the car then. The witnesses appear to be quite disinterested and truthful persons.

36. On the 4th March 1940 the dead body of Mr. Krishna Murthy was found in the Ghati Road by P. W. 6 Sheik Mohideen, a Police Constable of Subrahmanya Ghati Outpost. He sent a report Exhibit P 7 which he got written by his son P. W. 5 Mahomed Khasim. This report shows that he heard some people talking that there was a dead body found by the side of the Ghati Road and that he himself went and saw it, and that it was the dead body of a male with an injury on the head and with ropes tied both to the neck and to the feet. He also stated that the dead body had a sacred thread in its neck and that there were traces of a car having come from Bangalore Road near the place where the dead body was lying. This report was sent on 4th March 1940 at about 11-30 A.M. This was received at about 3-30 P.M. by the Sub-Inspector of Police S. C. Krishnappa at Dodballapur. Immediately the Sub-Inspector sent an F. I. R. to the Amildar-Magistrate at Dodballapur and proceeded to the spot. He held an inquest over the dead body on 5th March 1940. It was identified to be that of Mr. Krishna Murthy by P. W. 19 Sriramalu, the nephew, and by P. W. 23 Mr. Vajapeyam Venkatesiah, the brother-in law of Mr. Krishna Murthy. On 3rd March 1940 at 9 A.M. this witness Venkatesiah had phoned to the Central Police Station about the missing of Mr. Krishna Murthy and on 4th March 1940 he gave a complaint to the

Police as per Exhibit P 78. From the evidence of these several witnesses it becomes clear that Krishna Murthy must have been abducted and put into the van M. O. 4 and there he must have been murdered and his dead body thrown away in the Ghati Road. The identity of the dead body found in the Ghati Road has been established. That he was alive a few minuts before he has put into the van is also spoken to by 2 witnesses. That he was alive that evening has been spoken to by many witnesses. His junior lawyer, P. W. 83, Mr. Raghavendra Rao, also speaks to his senior being alive and leaving the office at 7-30 P.M. that evening. He has also complained to the Kengeri Gate Police Station on the 4th March 1940.

37. Ponnambalam, the approver, deposes that he was privy to the murder and that A1, A2, A3 and A4 were responsible including himself for the death of Mr. Krishna Murthy. The medical evidence also proves that Mr. Krishna Murthy died of strangulation.

38. P. W. 34, Dr. A. S. Krishnaswamy, has held the *post mortem* over the dead body of Mr. Krishna Murthy on 5th March 1940 between 11-30 A.M. and 1 P.M. His evidence is as follows :—

" The body was that of a well-nourished male. The height of the body was 5′ 7″. The eyes and the eye-lids were puffed up and decomposed, the lips were puffed up and black. Senious fluid was oozing out from the nose. The tongue was bluish and bitten between the teeth.

There was a linear incised wound 2″ long by ¾″ broad and ½″ deep over the area of the left temple one inch above the left extremity of the left eye-brow. There was a mark of ligature of a rope running round the neck: the furrow ran above the thyroid cartilege in front and 3″ below the pinna of both ears and ran posteriorly and laterally at a point 1½″ below external occipital protuberances. The furrow was uniformly 1″ wide and 1″ deep with a crossing on the back of the nape of the neck.

Upon dissection of the thoracic region he saw the pleuræ were decomposing and there was red stained fluid in the pleural cavity. The larynx and trachea were healthy. The lungs were congested and were beginning to decompose. They contained dark coloured clotted blood.

39. According to him, the other organs of the body were healthy and his opinion is that the death was due to asphyxia as a result of strangulation and that a rope similar to M. O. 5, which was found on the neck of Krishna Murthy could have caused his strangulation. He has given the *post mortem* certificate Exhibit P. 100 countersigned by the District Medical Officer after holding the *post mortem* examination over the body. He has dissected the region below the ligature mark. Immediately underneath the skin which bore that mark, there was a pale area with the borders showing a slight reddish tinge and there was bruising of the tissues. He has also found bruises under the mark of ligature round the neck.

40. He has been cross-examined at some length by the counsel for A2 to A4 and has stood the cross-examination well. His opinion is further supported by P. W. 35, Dr. V. V. Monteiro. He is a very Senior Officer in the Mysore Medical Department and has had foreign qualifications also. And Dr. Monteiro states that he has looked into the evidence given by P. W. 34, Dr. A. S. Krishnaswamy and that he has also seen the *post mortem* certificate, Exhibit P. 100, and agrees with the cause of death as given by Dr. Krishnaswamy.

41. The appearances indicated by the Doctor are generally the appearances of a strangled body. In this connection, the opinion given by Taylor in his 'Principles and Practice of Medical Jurisprudence' may be looked into. These are found in pages 656 to 657 of his book, Vol. I. Similar symptoms have been described therein in the case of strangulation. There is, therefore, no doubt, taking the medical opinion that, Mr. Krishna Murthy died of strangulation.

42. Mr. Krishna Murthy could not have died a natural death. If that was so, there was no reason for the body being found in a wilderness in the Ghati Road and there is also no theory of any suicide. So, his strangulation must have taken place at the hands of others. The question now resolves itself as to who were responsible for his death.

43. According to the prosecution, it is accused 1 to 4 that are responsible for his death. We have got to depend mostly upon the evidence of the approver to show the part played by A1, A2, A3 and A4 in bringing about the death of

Mr. Krishna Murthy. A1 has given a confession statement which I shall refer to later and in this confession statement he did not admit the actual murder though he admitted that he abducted Krishna Murthy with a view to wrongfully confine and threaten him. The approver speaks to the fact of abduction and murder. The value to be attached to his evidence I shall discuss below as all the learned counsel for the defence have characterised his evidence as a tainted evidence and as that of a man who has been bribed with his life by being treated as an approver.

44. It may be taken as a general principle of law that an approver cannot be believed unless he is corroborated in material particulars. Section 89, Indian Cases 261, 6 M. L. J. 142. Section 114 of the Evidence Act, illustration (b), states that the Court may presume that an accomplice is unworthy of credit unless he is corroborated in material particulars. At the same time, Section 133 of the Evidence Act states that an accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.' There can be no doubt that the testimony of an accomplice is usually interested and he is always an infamous witness. But sometimes out of necessity it being often impossible without having recourse to such witnesses to bring the principal offenders to justice, his testimony is resorted to (see Taylor on Evidence, para 957). But the practice is to regard the statements of such persons as tainted because from the position occupied by them, their statements are not entitled to the same weight as the evidence of an independent witness (see 10 Cal. 917). Accomplice evidence is held untrustworthy for three reasons because an accomplice is likely to swear falsely in order to shift the guilt from himself, (2) because an accomplice as a participator in crime and consequently an immoral person is likely to disregard the sanction of oath, and (3) because he gives the evidence under a promise of pardon if he discloses all he knows against those with whom he acted criminally and this hope would lead him to favour the prosecution. This is what has been stated in R. Vs. Magan Lal (14 Bom. 115). Therefore, as a general rule, confirmation of the evidence of an accomplice is required: yet as it is allowed that he is a competent witness the consequence is inevitable, that if credit is given to his evidence it requires no confirmation from another witness (page 873 Ameer Ali & Woodroof Evidence Act). An accomplice, as the word indicates is a guilty associate in a crime. In VII B. L. R. 969 it has been held that the evidence of the accomplice requires to be accepted with great caution because among other things he is likely to swear falsely in order to shift the guilt from himself. The corroboration of such evidence when required should be such corroboration in material particulars as would induce a prudent man to believe, on consideration of all the circumstances, that the evidence is true so far as it affects each person implicated. (See page 873 of Ameer Ali's Evidence Act.) The general result, therefore, is that in almost all cases the presumption mentioned in Section 114, illustration (b) should be raised and corroboration in material particulars required. The bare existence of a principle is acknowledged in order to meet the requirements of very exceptional cases but from the very fact of the exceptional character of these cases this principle is in practice constantly disapproved of and frequently violated). In 13, Mysore Law Journal, page 81, it has been held that 'An approver is a person who has himself taken part in the offence in question but who in order to save his own skin is willing to give evidence against others who he says took part in it. He is under the very strongest temptation to tell the story which is wanted of him. His evidence is naturally and properly regarded with suspicion: and save in circumstances which are so exceptional that they hardly ever occur, it is a rule and a wise rule that an approver's evidence should not be accepted as sufficient unless it is well corroborated. If it is well corroborated and there are no other reasons to doubt it, then it may sometimes be accepted as truthful and trustworthy. But if it is perfectly clear from the records of the case and from his own statements at different stages that the approver is an untruthful person, wholly untrustworthy, then the question of corroboration can hardly arise." See also 6 Mys. L. J., page 419. In King *Vs.* Baskerville 1916 II King's Bench Division page 659, it is held that "where on the trial of an accused person evidence is given against him by an accomplice, the corroboration which the common law requires is corroboration in some material particular tending to show that the accused committed the crime charged. It is not enough that the corroboration shows the witness to have told the truth in

matters unconnected with the guilt of the accused. Corroboration must be independent testimony which affects the accused by correcting or tending to connect him with the crime. In other words, it must be evidence which implicates him." Bearing these principles in mind, I have to test the value to be given to the evidence of the approver P. W. 33 Ponnambalam.

45. As I have already stated above, Ponnambalam speaks to the loan of the van by A1 and he states that when they were still in the Court premises when he informed A1 of the order of the attachment of the car A1 got perturbed and stated 'All right, they want to disgarce me. If that is so, what the lawyer has said has come about. Come what may. Why did you take back the car out of fear?' That A1 was perturbed at about the time is also spoken to by P. W. 97 Mr. M. P. Somasekhara Rao. After going home, Ponnambalam states that A1 told him that the lawyer is worrying him and something must be done and when they were approaching near the Webb's Service Station to purchase petrol, A1 is said to have told A3 " the lawyer's trouble is increasing. We must finish to-day. Come what may. My lawyer has promised to defend me." And again when they saw Krishnamurthy going in the Cottonpet Road A1 is said to have told A3 " This is the lawyer. At an opportune moment in a good place put him in the motor car." After going a little further A1 has told this witness to bend down the number plate so that even if anybody were to see the car they would not be able to identify the number of the car. A1 has also directed A2 to A4 and this witness to follow Krishnamurthy as far as the National School field and according to this witness they did so. In the National School field. as stated by this witness, A1 reversed the car with a view to run over Krishnamurthy when he got into the field, and that Krishnamurthy escaped the dashing, came to the front of the van and abused the driver of the van *viz.*, A1. At that time probably Krishnamurthy was not able to identify the 1st accused. At the time of his abusing, according to this witness, A2 and A3 were behind Krishnamurthy and A2 held the feet and A3 held the chest of Krishnamurthy from behind and put him in the car. At that time Krishnamurthy bawled out loudly " ". Then A2 and A3 are stated to have put Krishnamurthy inside the van through the trap-door and A4 also helped in pushing and got in the van. This witness also got into the van along with them and closed the trap-door. Then, according to him, A3 Rama is said to have pressed with one hand the mouth of Krishnamurthy and with the other hand he put a rope round his neck and was tightening it and drawing it. This rope is said to be M. O. 5. It is seen that it has got a loop even to-day and it was so at the time it was found on the dead body. A4 Maddura was said to be sitting in the centre and holding Krishnamurthy's hands firmly and A2 who was sitting near the feet of Krishnamurthy was tying his feet with a big rope, M. O. 1. By that time, according to P. W. 33 the van started and this witness heard the hard breathing of Krishnamurthy till the van passed the Basavangudi Circle, just about a furlong from the National School field on the road. This witness further states that they did not hear the breathing of Krishnamurthy after they crossed the circle. They then went through Lal-bagh Road, Anekal Road and Shoolay Road to Ulsoor. A1 is said to have stopped the van there and sent this witness to find out if any one had come to his house. When this witness had gone to his house, A4 had left the van and gone away. Then they got into the van.

46. That Krishnamurthy remonstrated with the driver of the van is spoken to by P. W. 15 Shama Rao. Of course, he does not know between whom this remonstrance took place but he says he heard the remonstrance between two persons. As I have already indicated there is the evidence of other persons who have seen the van in the field. Shama Rao further deposes that the van was reversed once and after that there was some exchange of words between two persons. The abovesaid persons also heard the cry for help from the person in the van and this person can be no other than Krishnamurthy. These statements of the approver have been corroborated by the witnesses referred to above.

47. As we go further, we find, according to the approver, that they purchased two more gallons of petrol in Webb's Service Station. This is also spoken to by one of the witnesses referred to above. After purchasing petrol these people went to Konena Agrahar, and according to him they deposited the dead body in the casuarina tope. That place is on the 6th mile in the Bangalore-Varthur Road. I have seen that spot along with the assessors and the accused and that seems to be a big tope.

48. The approver states that from there they went to Mr. Misri's estate, returned the van and took back the Talbot Car M. O. 3. The return of the van and the taking of the car is corroborated by the evidence of P. W. 21, Mr. Misri. After putting the dead body in the Talbot Car at Konena Agrahara tope, these people, *viz.*, A1 to A3 and Ponnambalam are said to have gone to Puttanahalli village, ten miles from Bangalore, and deposited the dead body in a tope in Survey No. 46 and returned back to Bangalore. While returning, the approver states that he threw away the coat, the turban, the sandals, the spectacles and the walking stick which were on the body of Krishnamurthy into the Hebbal Tank. These M. Os. are subsequently discovered in the Hebbal Tank on the 10th of March 1940 on the information given by the approver. Certain witnesses speak to this fact.

49. P. W. 45 Nanjappa is a resident of Hebbal and he states that the Police made him get down the tank at Hebbal to search for the walking stick, sandals, etc., and that he took out the sandals M. O. 7 and the turban M. O. 8. P. W. 46, Abdul Rahman, a resident of the same place, has taken out M. O. 9 an ash-tray from the tank. P. W. 58, Narayana Rao, speaks to the fact of these M. Os. having been recovered from the Hebbal Tank on Sunday the 10th March and P. W. 66 H. G. Shamanna deposes similarly. P. W. 47, Syed Jaffer and P. W. 68 Thimmarayappa, Police Constables, depose to having kept watch near the tank from the 8th morning till the 10th when these articles were discovered in the tank. So, with regard to the approver's throwing these material objects in the tank, there has been corroboration. After throwing these material objects in the tank, the approver states that they all returned to Bangalore and that A1 went away to his house instructing him to take a taxi for disposal of the dead body of Krishnamurthy. He also states that A1 sent for P. W. 29, Abdul Rahim, a taxi driver, and told him to lend his taxi to him and that P. W. 29, lent the taxi to him. This is spoken to by P. W. 29. Afterwards the approver took four gallons of petrol at about 10-45 or 11 P.M., in Padmanabhan's petrol bunk paying cash as is spoken to by P. W. 42, Somasundaram. According to him, he and A2 and A3 went to Puttanahalli casuarina tope where the dead body was kept and there they removed the dead body and put it into the taxi and went to Ghati Road and threw away the dead body there. On their way, they had to pass three level crossings. The gate-men at these crossings, P. Ws. 10 to 12 speak to having seen a taxi similar to M. O. 14 of P. W. 29 that night and P. W. 12 identifies Ponnambalam as driving the taxi that night. So, in all these particulars, there has been material corroboration with regard to the statement of the approver.

50. But apart from the evidence of the approver incriminating accused 2 to 4 as the perpetrators of the murder, there is no direct evidence. One witness Muniyan was examined in the lower Court and on the ground that he is not available in this Court for examination, his deposition taken in the lower Court has been admitted in evidence as Ext. P. 246 under Section 33 of the Evidence Act. He states that he was keeping watch in the garden of A1 on behalf of one Kalappa and that A3 was watching the apple garden of A1 and was living in the garden itself and that he saw A3 two months ago at about 6 P.M. on a Saturday and that A2 came and took him. He was examined on 3rd May 1940 and so the date of A2 taking A3 would be the 2nd of March 1940. He was not cross-examined in the lower Court and though there were opportunities for cross-examination, the counsel for the accused 2 and 3 did not make use of that opportunity to cross examine him. So, strictly speaking his evidence taken in the lower Court is admissible under Section 33 of the Evidence Act. The Investigating Officer, P. W. 102, Mr. Narasimhiah states that he made enquiries of this witness and learnt that he had left Bangalore, that he was said to be somewhere in Tiruvannamalai and that he had sent one man to search for him and that he was not able to trace him. The evidence of Mr. Narasimhiah shows that he has taken sufficient pains to find out the whereabouts of this witness and that he was not able to trace him. The learned counsel for A2 and A3 objected to the admissibility of his evidence on the ground that this has no evidentiary value. In A. I. R. 1925, Oudh 756, it is held that in the absence of cross examination his evidence is of little value. In A. I. R. 1934, Lah. 212, it is held that in a case like this it is necessary for the Sessions Judge to hold that the witness was incapable of giving evidence within the meaning of that section. The same view is taken in A. I. R. 1930, Lah. 1041. In A. I. R. 1929, Lah. 542, it is held that a previous deposition can be admitted in evidence under the provisions of

Section 33, Evidence Act and that before it can be placed on the record of a criminal trial, the Court must decide judicially that a proper effort had been made on behalf of the prosecution to secure the presence of the witness, that in spite of that effort he had not been traced. I am satisfied from the sworn testimony of the Investigating Officer that he had made best efforts to secure the presence of Muniyan before this Court, that since in spite of his endeavours he failed to do so, under Section 33 of the Evidence Act, the statement of Muniyan can be admitted as evidence in the case. According to this statement, A2 and A3 were found going together at 6 P.M. on Saturday the 2nd March. This must be as a result of A1 sending A2 to fetch A3 from his apple garden. It may be pointed out that the apple garden referred to is situated in Appireddy Palya, which is about a mile in the cross-country road from A1's bungalow in Cambridge Road. It is seen from the evidence of other witnesses that A2 was a gardener in A1's bungalow and A3 was a gardener in A1's apple garden. This is spoken to by P. W. 64, Nanjappa Reddy, P. W. 65, Chikkanniah and P. W. 69, Anniah.

51. Again after A2 and A3 were arrested, A2 pointed out a piece of cloth in the spot at Konena Agrahara. There a green piece of cloth M. O. 11 was found. This is spoken to by P. W. 36, Mr. Tustin. P. W. 36, Mr. Tustin, is a farmer living nearby. He states that the Police Officer accompanied by A2, came to his bungalow and took him to a place about 50 yards beyond the 6th mile-stone where there is a casuarina tope and there A2 pointed out a spot and that in that spot a green piece of cloth M. O. 11 was found. This witness lives in the same road as Mr. Misri and this road leads to Konena Agrahara where the dead body of Mr. Krishna Murthy was deposited. A similar piece of cloth M. O. 31 of the same texture and manufacture was found in the loft of the room where A2 was living in the compound of A1. I have compared M. O. 11 with M. O. 31 very closely and there is no doubt that these two clothes form part of the same piece. M. O. 11 has become a little pale in colour owing to its exposure. The texture of both is the same: both bear nail's marks and the nail holes are practically identical in both the pieces of cloth. What that spot in Konena Agrahara casuarina tope which was pointed out by A2 was, has not been specially stated by any one.

52. M. O. 11 contains marks of blood and the Imperial Serologist has certified that it contains human blood and that spot must be the spot where the dead body of Mr. Krishna Murthy lay. That spot is about the same distance from the road. It is probable that when A2 and A3 removed the dead body M. O. 11 must have been dropped by A2 there.

53. The 3rd accused is connected with an overcoat, which is said to have been used for covering the dead body when it was in M. O. 3 Talbot Car. This M. O. 2 is said to belong to P. W. 40, Mr. T. A. Mohan, Inspector of Police, C. & M. Station. He states that he had lent this overcoat M. O. 2 to the 1st accused in January 1940. Ponnambalam states that this overcoat was taken in the car when they left the house in the Cambridge Road on 2nd March 1940 at about 6 P.M. and that it was even carried in the van. After the dead body was thrown away Ponnambalam states that he brought and gave this to A3. A3, who was living in A1's apple garden at Appireddy Palya was carrying this and this has been seen by P. W. 69, Anniah. Anniah states that later on after A3 kept it in the house in the apple garden and after he was arrested, he (the witness) was using it whenever he felt cold and that he had kept it one day on a stone near the Pump House in the garden when the Police came and seized it and that A3 was with the Police at that time. The approver also deposes to having handed over this overcoat to A3 after the murder. There is thus material corroboration in connecting A2 and A3 with the murder of Mr. Krishna Murthy. Apart from the testimony of the approver, there is the testimony of these persons and there is nothing to impeach the credit of these persons.

54. With regard to the 4th accused, except the uncorroborated testimony of the approver, there is no other evidence to connect the 4th accused and as I have already stated above the 4th accused cannot be held to be one of the murderers as the evidence of the approver is not corroborated against him in material particulars. His mere statement, in view of the decisions quoted above, is not enough to connect A4 with the murder. No doubt A1 has stated about A4 also in his confession.

55. I now proceed to the confession of A1 given on 9th March 1940, before P. W. 48 Mr. M. Ramaswamiah, the City Magistrate.

56. Execution P. 107 is the confession made by the 1st accused within about 40 hours after his arrest. His confession has been recorded by P. W. 48, Mr. M. Ramaswamiah, the City Magistrate, Bangalore City. It must be pointed out that the 1st accused is an intelligent and worldly young man and he would not have proceeded to make a confession unless he felt that he was doing it of his own accord. The Magistrate has cautioned him that he was not bound to make a confession and that if he were to make a confession, it was liable to be used against him and at the time of recording the confession there was no Police Officer. He was brought to the Magistrate at about 5-30 P.M. and till about 6-25 P.M. the Magistrate has given time to reflect whether he should make a confession. No doubt at the time he was brought to the Magistrate he came in Police custody and was in Police custody for 40 hours before that. The Magistrate has put certain questions which are found in the confession statement itself to ascertain whether he was making a voluntary statement and after satisfying himself that the accused is about to make a voluntary statement, he has recorded the statement. I do not think at the time A1 made this statement he was under any Police influence as I have said he is an intelligent man and he can know what he is doing about. Immediately after the confession statement has been recorded, he has been handed over to the Jail custody and not to the Police custody.

57. From the confession statement it is seen that for the last five years proceedings in Civil Courts are going on between A1 and his mother. Further with regard to the other accused, he states as follows:—

"Mokshagundam Krishna Murthy is the lawyer for my mother. Mr. S. K, Venkatarangiengar, the 5th accused, is my lawyer. There has been considerable illwill between Krishna Murthy and Venkatarangiengar. I did not know of it before. I came to know of it 2 or 2½ years ago. Mr. Venkatarangiengar was telling me now and then something about Krishna Murthy and was asking me that I should disgrace him and so on. Last Saturday *i.e.*, 2nd March 1940 A5 told me 'Can't you do anything for him? His annoyance is on the increase.' It was about 2-30 P.M. or 3 P.M. when he said so. Then I went away home." Then he goes on to say that he took Mr. Misri's van and his four servants, came to the National School field and abducted Krishna Murthy and put him in the van. The further statement in Ext. P107 is in accordance with the questions put by the Magistrate. The first question he asked A1 is "Who are these servants?" Then A1 gives the names of A2 to A4 and approver and then states that they went to the Whitefield road and put Krishna Murthy in the casuarina tope and returned the van and took back his car and deposited Krishna Murthy in a bush in the 10th mile on the Dodballapur Road and returned home. The Magistrate then asked him a question: "Then was he alive?" The 1st accused says that he was not alive at that time. The Magistrate puts a further question: "If so, where did Krishna Murthy die and when?" A1 answers it by stating that his life must have become extinct as they were going near the estate and that he does not know it as he was driving the van and as the servants were seated behind him along with Krishna Murthy in the van. Then the Magistrate asks him as to what happened further to which question he states that A5 Venkatarangiengar was telling him whenever he went to him that Krishna Murthy was keeping his (A1's) mother and how he was tolerating it and that Krishna Murthy was frequently visiting his mother and that A5 said so similarly on Saturday so as to make him get angry. To a further question he states that on the 4th March he had to produce the will of his father and that when he had gone to A5 to inform him of this on Saturday, he told him (A1) to go near the Court and that in the Court A5 said so. Later on to a further question of the Magistrate as to whether he had to say anything more A1 states that he had no intention of murdering Krishna Murthy and that he merely wanted to threaten him and leave him. This, in brief, is the confession given by A1.

58. The Prosecution want to use this confession against all the other accused in the case under Section 30 of the Evidence Act. The 1st accused in this Court, when he was examined under Section 342 Cr. P. C, has stated that he has given a statement as per Ext. P107 before the City Magistrate and when he was questioned as to whether he had anything to say with regard to that, he is silent. He also admits in the statement filed in this Court that he had taken A2 to A4 and Ponnambalam to the National School field and abducted Krishna Murthy in Misri's car. In that statement filed here he states that his mother is a stubborn woman and that she

accepted the advice only of Krishna Murthy and none else and that on account of illwill between Krishna Murthy and Venkatarangiengar the former would not allow the compromise of the case. Therein he admits having given a statement before the City Magistrate as per Ext. P 107 and reiterates again that his intention was only to threaten Krishna Murthy to come to compromise in order to avoid all room for allegations affecting his family reputation. He states further that he wanted to take Krishna Murthy to one *Rao Bahadur* Venkataswamy Naidu's estate in Anekal Road and leave him there after abusing him. The 1st accused did not retract that confession and admits having given it and further reiterates it in his statement filed at the time of examination.

59. Section 30 of the Evidence Act states that "When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession. In the explanation the 'offence' is made to include abetment of, or attempt to commit, the offence. The principle on which this section is based is that 'when a person makes a confession, which affects both himself and another, the fact of self-implication takes the place, as it were, of the sanction of an oath, or, is rather supposed to serve as some guarantee for the truth of the accusation against the other. For when a person admits his guilt and exposes himself to the pains and penalties provided therefor, there is a guarantee for his truth. (See 6, Bom., 288). Here, there is no doubt that all the five accused are being tried jointly for the same offence including the 5th accused. The explanation to Section 30 brings the 5th accused within the ambit of that section. It is stated that a mere admission from which no inference of guilt follows, is not within this section, though it implicates others, and is evidence, therefore, only against the maker. Before a statement can be taken into consideration against a fellow prisoner, it must amount to a "confession" on the part of the maker with respect to the offence with which all are charged. It must be a confession in the strict sense of the term. Where the inherent quality of the statement by the prisoner is not a confession, it cannot be used against the other accused. (See 10, Bom., H. C. R., page 97). "The test section 30 of the Evidence Act intended should be applied to a statement of one prisoner proposed to be used in evidence as against another, is to see whether it is sufficient by itself to justify the conviction of the person making it of the offence for which he is being jointly tried with the other person or persons against whom it is tendered. Offence of course includes offences. In fact, to use a popular and well-understood phrase, the confessing prisoner must tar himself and the person or persons he implicates, with one and the same brush." (See 2 All. 444 R : *Vs*: Ganraj.) It therefore follows that from the principle on which this confession is admitted it is clear that a statement which exonerates the maker and inculpates his fellow-prisoner cannot come within the section inasmuch as it does not amount to a confession of the maker's own individual guilt of the offence for which he and the others are jointly tried. In R. : *Vs*: Belat Ali, 19, W. R., 67, and in I. L. R., 54, All. 350 it is held "that before a confession of a person jointly tried with the prisoner can be taken into consideration against him, it must appear that the confession implicates the confessing person substantially to the same extent as it implicates the person against whom it is to be used, in the commission of the offence for which the prisoners are being jointly tried." Ameer Ali at page 287 states that the ratio decidendi of the cases is that statements which inculpate the maker more than or equally with others, alone can afford any satisfactory guarantee of their truth. Less weight is to be attached to statements which implicate the maker in a lesser degree than others, and unless the maker inculpates himself substantially to the same extent as the others, his statements would be excluded according to the rullings of the Calcutta and Allahabad High Courts and that no guarantee whatever is afforded by a statement which entirely exonerates the maker, and such a statement is therefore in all cases inadmissible in evidence. See also I. L. R., 7, All. 646 I. L. R., All. 288. 14, M. C. C. R.

60. Here, in this case, A1 to A4 are all charged with the offences of abduction with intent to murder and murder and the 5th accused is charged with the abetment of these two offences. According to the confession of A1, he does not admit either of these offences. His confession, if at all, amounts to abduction with intent to wrongfully confine Krishna Murthy and nothing else. Therefore,

according to the principles mentioned above, he exonerates himself from those offences and inculpates his fellow prisoners and as such it does not amount to a confession of the maker's own individual guilt for the offences for which he and others are tried.

61. In A. I. R. 1925, Oudh 295, a similar principle has been laid down. It is stated therein that the statement of an accomplice is taken into consideration when he himself admits his own guilt to the same extent to which he inculpates others. A confession unsupported by other testimony is evidence of the weakest kind against co-accused. In A. I. R. Nag. 1926, page 119, it is stated that "Section 30 contemplates a statement, which taken by itself, is sufficient to justify the conviction of the person making it for the offence for which he is being jointly tried with the other person or persons against whom it is tendered. This follows 2 All. 444 quoted above. To what extent the confession of one person can be used as against the other and the value to be attached to such a confession has been clearly laid down in A. I. R. 1931, Mad. 177, Periyaswami Mooppan and another *vs.* Emperor. Our learned Chief Justice was a party to that decision. It is stated therein that "the confession of an accused cannot take the place of evidence against the co-accused; nor can it be added to supplement evidence otherwise insufficient. Where there is evidence against the co-accused sufficient, if believed, to support his conviction, then the kind of confession described in S. 30 may be thrown into the scale as an additional reason for believing that evidence." The meaning of 'confession' as given in this case is that confession of the offence for which the accused persons are being jointly tried. Our learned Chief Justice during the course of the judgment has observed that Section 30, Evidence Act, is a very exceptional, indeed an extraordinary, provision, by which something which is not evidence may be used against an accused person at his trial. Such a provision must be used with the greatest caution and with care to make sure that we do not stretch it one line beyond its necessary intention and that such a confession cannot take the place of evidence against the accused. A similar view has been taken by our learned Chief Justice in 13 M. L. J., page 69. In a latest case in A. I. R. 1940, Nag. 230, it is held that if substantive evidence is not sufficient to establish a *prima facie* case against the accused, it is not permissible to use the confession of a co-accused under Section 30 of the Evidence Act, as if it were itself substantive evidence, which it is not. It can in no case be used to fill up the gap in the prosecution evidence. See also 17, M. L. J., 239.

62. It is clear that in this case the 1st accused has not incriminated himself with regard to the two offences with which he and his co-accused are charged. Judged by the tests referred to above in the several cases, it is apparent that taking the confession statement of A1, the 1st accused cannot certainly be convicted for the offences for which he is charged. It cannot, therefore, be used against the other accused. Similarly, since the 1st accused does not incriminate himself to the same extent as he incriminates the other accused, his confession statement cannot be used against the other accused.

63. Moreover, a portion of the confession statement does not seem to be voluntary at all; for instance, with regard to the question as to who the servants of A1 were, put by the Magistrate, A1 gives the names of his servants. That cannot be said to be a voluntary statement. Again the Magistrate tries to lead the 1st accused to say something further by asking him "ಆಮೇಲೆ" (afterwards). He puts such questions three or four times and the answers are elicited afterwards. The case reported in 17, M. L. J., 239, states that where the Magistrate while recording a confession has elicited answers by questioning the accused, it cannot be said that the answers given are voluntary statements of the accused and the confession made by the accused implicating himself as well as other accused can be used against the other accused only if the Court is convinced that the confession was made voluntarily and that such a confession is not by itself evidence. Applying this test also I feel that the confession, at any rate, that portion of the confession to which answers have been given by the accused on the questions put by the Magistrate, cannot be said to be voluntary. The way in which a confession has got to be recorded has been clearly laid down by the learned Chief Justice in 42, Mys. H. C. P., 497, and it is surprising that the learned Magistrate has overlooked that decision in recording the confession.

64. In Criminal Rules of Practice and Circular Orders, Vol. I, page 41, the High Court has laid down the procedure to be adopted in recording confessions.

In para 2, Chapter VI, it is clearly directed that the accused should not, by questions put by the Magistrate, be led on bit by bit to give particulars of the crime. The Magistrate in recording the confession of A1 has violated even this wholesome circular and it is improper for him to have asked questions without allowing the the accused to make any voluntary statement he wished. Even the little implication which the 1st accused makes against A2 to A5 loses much of its value and the confession becomes incapable of application against them on account of the involuntary nature of the confession being answers to questions put by the Magistrate. The questions put by the Magistrate are very suggestive. For instance, he asks the question 'When did Krishna Murthy's life become extinct and where?' (ಹಾಗಾದರೆ ಪ್ರಾಣ ಎಲ್ಲಿ ಹೋಯಿತು ಮತ್ತು ಯಾವಾಗ). It looks as if the Magistrate was aware of the death of Krishna Murthy at the time this question was put. It is hoped that in future the Magistrate will refrain from putting such questions and closely follow the instructions laid down in the Criminal Rules of Practice and in the High Court case referred to above.

65. The confession statement of A1 being thus inadmissible against all the other accused, we have got to depend upon the evidence of the approver and the few witnesses to connect A2 and A3. As I have already stated, there is no further evidence with regard to A4 except the uncorroborated testimony of the approver and he is entitled to be acquitted and I do not, therefore, take his case into consideration further.

66. With regard to A2 and A3, there is the evidence of their having pointed out a green cloth, M. O. 11, and an over-coat, M. O. 2. Those two M. Os. contained human blood and the approver is positive that M. O. 2 was taken in the evening of 2nd March 1940 when they went out to commit the murder and then there is the evidence of Chikkanniah, as I have already stated above. I have carefully gone through the evidence of the approver and I find, so far as these accused and A1 are concerned, he has spoken the truth. It is not possible for any one to imagine the various incidents which this approver has narrated during the course of the murder from Saturday afternoon till Sunday morning unless they were true.

67. With regard to the incidents leading up to the keeping of the dead body in Puttanahalli and the engaging of the taxi, the 1st accused in his statement corroborates the approver. Even in this Court, the 1st accused corroborates the confession statement which he has made before the City Magistrate, Ext. P. 107, by his statement in this Court. As I have already stated above, certain other incidents stated by the approver have been corroborated by many witnesses. I am fully aware that he is promised a pardon. But under Section 133 of the Evidence Act, it would not be illegal even if on the uncorroborated testimony of an approver the accused is convicted. But as in the present case his evidence is corroborated on many points, his evidence cannot be ignored or rejected and I believe him with regard to the part played by A2, A3 and A1.

68. It was contended by the learned counsel for Accused 2 and 3 that Ponnambalam does not incriminate himself to the extent to which he incriminates Accused 1, 2 and 3. He might have taken part in abducting Krishna Murthy and putting him into the van and there was no need for him to do more than what he has stated in his deposition. According to him, he knew what his master meant and he states that A1 told A3 "ಲಾಯರ ಗಲಾಟೆ ಜಾಸ್ತಿಯಾಗಿದೆ. ಇವತ್ತು ತೀರಿಸಿ ಬಿಡಬೇಕು ಬಂದಿದ್ದು ಬರಲಿ. ನಮ್ಮ ಲಾಯರು ನೋಡಿಕೊಳ್ಳುತ್ತೇನೆಂತ ಹೇಳುತ್ತಾರೆ." These words cannot mean that he wanted merely to threaten Krishna Murthy. A1, according to the approver, had told him a little earlier "ಲಾಯರ ಕಾಟ ತುಂಬಾ ಆಗಿದೆ. ಏನಾದರೂ ಮಾಡಬೇಕು," These words taken together cannot mean anything than ending away Krishna Murthy. The cross examination of this approver by the counsel for A1 is very suggestive. The counsel asked the approver whether A1 did not use the word "ತಿರುಗಿಸಿ ಬಿಡಬೇಕು" and not "ತೀರಿಸಿ ಬಿಡಬೇಕು" This suggests that A1 did tell A3 something as suggested by the approver and that there was only a difference in words whether it was "ತೀರಿಸಿ ಬಿಡಬೇಕು" or "ತಿರುಗಿಸಿ ಬಿಡಬೇಕು." The approver is positive that the word "ತೀರಿಸಿ ಬಿಡಬೇಕು" was used "ತಿರುಗಿಸಿ ಬಿಡಬೇಕು" does not fit in properly with the words used there "ಇವತ್ತು ತಿರುಗಿಸಿ ಬಿಡಬೇಕು ಬಂದಿದ್ದು ಬರಲಿ, ನಮ್ಮ ಲಾಯರು ನೋಡಿಕೊಳ್ಳುತ್ತೇನೆಂತ ಹೇಳುತ್ತಾರೆ." does not convey any meaning. "ತಿರುಗಿಸಿ ಬಿದಬೇಕು" means merely turning. If he wanted to turn Krishna Murthy to his side, there was no reason for him to get desperate and say "Come what may. I must turn him round to-day. My lawyer has promised to look after me." When a question was asked to him by the learned counsel for A1 whether A1 did not tell A2 to A4 in Anekal

Road that they should bring out Krishna Murthy, the approver denies such a story and he denies all knowledge of the fact that there is Venkataswamy Naidu's estate in the Anekal Road. He is positive that A1 did not abuse A2 to A4 there and he also states that A1 did not question A2 to A4 why they had done contrary to his instructions.

69. The approver was tendered a pardon on the 1st of April 1940 and on the 19th of March 1940 he has given the statement as per Exhibit P. 97 before the *Ex-Officio* Magistrate. That statement has been exhibited in the case under Section 157 of the Evidence Act as a previous statement. I have compared that statement with his deposition now given in Court and on all material particulars they agree with each other. This circumstance no doubt does not add any extra weight to his evidence. But it can be used only to show that he has spoken to the incidents to the best of his knowledge. Moreover, there is corroboration by other witnesses. His evidence is, therefore, entitled to weight. The 1st accused contends that he had no intention to murder Krishna Murthy and that he wanted merely to threaten him to enter into a compromise with regard to the disputes between the mother and the son. When he used the word "ತೀರಿಸಿಬಿಡಬೇಕು" it cannot mean anything else but murder. The fact that he dashed the car against Krishna Murthy just before abducting him by reversing the car against him cannot mean anything except that he wanted to run over him, if possible, and when such a big van as that is dashed against Krishna Murthy one can really imagine what the result would have been. Even there his intention to murder is quite clear. His words "ಲಾಯರ ಕಾಟ ಜಾಸ್ತಿಯಾಗಿದೆ, etc.," also show that he was tired of the annoyances caused to him by Krishna Murthy. It is apparent that unfortunately in the cases relating to the will, as stated by P. W. 30, Mr. Ahobala Nath, Krishna Murthy was taking more than a professional interest in the cases between the 1st accused and Lakshmamma. Krishna Murthy was pursuing the 1st accused from the year 1935 from the time he appeared in the case in Mis. 67—35-36. He impugned the will said to have been left by the 1st accused's father and about which I shall refer to below. There were 4 cases pending between A1 and his mother, 3 in the District Court here and one in the C. & M. Station Court, in all of which the genuineness of the will was in question. Krishna Murthy had moved the District Court to prosecute A1 for filing a false statement stating that a copy of the will had been produced, though, as a matter of fact, it had not been produced and that case ended favourably to A1. To crown all these, on the 2nd of March 1940 the 1st accused heard that there was an order for attachment of his car for a paltry sum of Rs. 41. Though his mother had taken the attachment warrant, the 1st accused suspected that it was Krishna Murthy that was responsible for this order of attachment. And as Ponnambalam and Mr. M. P. Somasekhara Rao state, the 1st accused was perturbed when he heard that his car was liable to be attached. At that moment, the 1st accused seems to have made up his mind to remove Krishna Murthy from his way as he was obstructing him at every stage and was trying to disgrace him. Probably if Mr. Krishna Murthy had taken the usual interest, which a lawyer takes in the conduct of his cases, the present case may not have arisen at all. After all, it was a dispute between the mother and the son and the 1st accused states that Krishna Murthy was in the way of effecting a compromise between himself and his mother. And when the 1st accused made up his mind on that Saturday evening, he prepared himself to do this dastardly act and caught hold of his servants who were under his pay and his driver, who was his confidant, and started about in Mr. Misri's van to do away with Krishna Murthy. If it was the intention of the 1st accused merely to threaten him, the 1st accused must have known that his position would have been much worse than before. If Mr. Krishna Murthy had been merely threatened and left somewhere in Anekal Road, he would have immediately returned and lodged a complaint against the 1st accused and others. Krishna Murthy would have identified the van quite easily and identified the accused. It is idle to contend that the 1st accused did not intend to cause the death of Krishna Murthy.

70. In the early part of his confession, which was a voluntary one, he has never mentioned anything about the threat which he wanted to offer to Krishna Murthy. It is only when the Magistrate put him some question whether he has got to say anything further, he states that he had no intention to murder Krishna Murthy and that he wanted to threaten him. His conduct in bringing the van from Mr. Misri's estate and in proceeding straight to Konena Agrahara after

Krishna Murthy's life became extinct and in making arrangements for the disposal of the dead body in a calm and collected manner cannot mean anything but showing that he actually committed the murder and not mere abduction and threat. The fact that he wanted to take him to Venkataswamy Naidu's estate in the Anekal Road does not find a place in the confession. It finds a place only in his written statement filed before this Court and in his cross-examination of the approver. If that was so, where was the need for taking a double barrel gun and two ropes. It is not clear as to who brought those ropes but it is a fact that the ropes were in the van and that A3 put the rope, M. O. 5, to the neck of Krishna Murthy and with the other rope, M. O. 1 A2, bound his feet. The 1st accused had absolutely no remorse at all after the incident and he seems to have gone to Globe Cinema the next day and talked to Mr. Misri and questioned him as to whether anyone had come about the van. If a man had really remorse, he would not have gone to a picture the very next day after perpetrating the most dastardly crime. The intention of the accused can be gathered only from the circumstances of the case and no direct evidence as to the condition of the mind of the 1st accused at the time he committed this offence can be given. It is said that A1 had a motive also to commit this murder, *viz.*, that he and A5 had committed the forgery of the will and that motive prompted him to commit this murder. I shall show presently that the motive cannot be true and that there was no such forgery.

71. The only and immediate cause was the attachment order obtained by Krishna Murthy for attaching the car of A1 and A1 was annoyed on hearing it and that he did not know that Krishna Murthy had asked for a fresh warrant for attachment of his car. On the next day, the 3rd March 1940, the 1st accused went to his lawyer, P. W. 97, Mr. M. P. Somasekhara Rao and deposited the amount for which execution has been taken and this was later on deposited in Court and given over to Lakshmamma's counsel. Probably if A1 had known that a fresh warrant had been asked for and that there was no immediate danger of attachment, he might not have committed this murder at all.

72. With regard to accused 2 and 3, as I have already stated above, I have got to believe the evidence given by the approver against them and there is the connecting link of the green cloth and the overcoat with regard to these two people. Besides this, just a few minutes before the occurrence, Muniyan has stated that these two people were found together and P. W. 69, Anniah, has seen the 3rd accused coming with the overcoat on Sunday morning, the 3rd March 1940. There is, therefore, no doubt that Accused 1, 2 and 3 took part in the murder. According to the evidence of the approver, when the accused 2 and 3 put Krishna Murthy bodily in the car, A2 was tying the feet of Krishna Murthy with a rope, M. O. 1, and A3 was tightening the rope, M. O. 5, round the neck of Krishna Murthy and was shutting his mouth. These acts cannot mean anything except that these people wanted to murder Krishna Murthy. They must have known that by tightening the loop round the neck, death was inevitable and the 2nd accused also took part in tying the feet with a view to prevent Krishna Murthy from struggling and A1, who was driving the van, all the while when this was going on must have known what the accused 2 and 3 were doing to Krishna Murthy. There is nothing to show that he had given them instructions merely to threaten him and not to harm him.

73. Even according to his own statement, the 1st accused states that he wanted to do a wrongful act, *viz.*, abducting Krishna Murthy with a view to wrongfully confining and when a man has an intention of doing a wrongful thing, it is for him to show that his intention was only up to a certain stage and not beyond that. And, as stated by the approver, the intention must have been to end Krishna Murthy. That it is not so was upon the 1st accused to prove. The presumption of law is that a man intends the natural and inevitable consequences of his own acts. It is, therefore, not necessary to take into consideration the accused's state of mind, at the time of committing the act in question, for the purpose of determining whether he intended to cause death or not. The intention is to be gathered by proof of collateral facts to explain the ,motives and designs of the accused. If a man intentionally commits an office, and consequences beyond his immediate purpose result, it is for him to show that the consequences were beyond his immediate result and that he was not responsible for such consequences. In 1935 Law Reports Appeal Cases, page 462, the House of Lords have laid down

that "in a trial for murder the Crown must prove death as the result of a voluntary act of the prisoner and malice of the prisoner. When evidence of death and malice has been given, the prisoner is entitled to show by evidence or by examination of the circumstances adduced by the Crown that the act on his part which caused death was either unintentional or provoked. If the jury are either satisfied with his explanation or, upon a review of all the evidence, are left in reasonable doubt whether, even if his explanation be not accepted, the act was unintentional or provoked, the prisoner is entitled to be acquitted." This case was relied upon by the learned counsel for the 1st accused who states that the 1st accused had no intention for murdering Mr. Krishna Murthy. The dicision, so far as it goes, if applied to this case, will show that it was the 1st accused that had to show by evidence or by circumstances that the act was either unintentional or provoked. The conduct of the 1st accused is inconsistent with his plea. Mr. V. L. Ethiraj, the learned Counsel for the 1st accused, argued that the very fact that the accused had made a clean breast of the whole affair soon after his arrest, and his confession before the City Magistrate on the very next day and his sticking on to the confession right up to this Court shows that what the accused had in his mind he has stated and that this is sufficient evidence to show that he had no intention of murdering Krishna Murthy, and he had only an intention of abducting and wrongfully confining Mr. Krishna Murthy, an offence punishable under Section 365 of the Indian Penal Code, *viz.*, abducting with intent to secretly and wrongfully confine a person. The learned counsel also stated that if A1 had the intention to murder, he would not have gone himself and would have entrusted the whole act to his servants. This is a very slender argument and no inference can be drawn by the fact that the 1st accused himself took part in the entire affair. If we believe the approver, the intention of the first accused cannot be anything but that of ending Krishna Murthy. There is no doubt that the first accused had some provocation for this murder on account of the attachment order regarding his car. But this was neither grave nor sudden. He has also argued that if A1 wanted to murder Krishna Murthy, a gun was not necessary and that A1, who had a revolver, could have used it. It is not for me to explain why he did not use a revolver but took a gun. That there was a rope in the car cannot be denied. On the very first sight of the dead body by P. W. 6, Sheik Mohideen, he has stated that there were ropes on the dead body in his report, Exhibit P7. His driving the car at the time A2 and A3 murdered Krishna Murthy can only mean that A1 wanted these people to murder and there is nothing to indicate that he ever remonstrated A2 and A3 for the murder. The way in which the dead body has been deposited in two places indicates that the first accused had premeditated the place where the dead body had to be kept. If he had no intention of murder and he had got panicky, he would have come home immediately he came to know of the death without going either to Konena Agrahara or to Puttanaballi village. Taking all these circumstances into consideration, I am of opinion that the accused 1, 2 and 3 are actually guilty of murder. Each has taken a different part in the actual commission of the murder and each is equally responsible for murder.

74. Then, when it is proved that a murder has been committed and when it is proved that these three people were responsible for putting Mr. M. Krishna Murthy, who was going on the road, in the van, their action amounts to an abduction and the abduction is only with intent to commit murder. Their offence clearly comes also under Section 364 of the Indian Penal Code. There is nothing to indicate that the abduction was intended merely to wrongfully confine Mr. Krishna Murthy and as I have already stated above, it was futile to think of confining Krishna Murthy and threatening him and leaving him. The 1st accused knew full well that Krishna Murthy was in the way in bringing about a compromise between himself and his mother and it was only Krishna Murthy that gave advice to his mother which prevented her from coming to any terms with him and it is not unreasonable to think that under these circumstances, Krishna Murthy, who was in the way, was sought to be taken away. There is no doubt that there was considerable ill-will between A1 and Krishna Murthi also as Krishna Murthy was foiling all the attempts of A1 to get the will proved and had characterized the will as a forgery and a fabrication. What materials Krishna Murthy had in his mind to prove that the will was a forged one is not known to any one and even Lakshmamma, who had come to the witness box, does not say what better

information he had about the forgery of the will. Whatever it is, Krishna Murthy was under a false impression that the will was a forged one and that he was going to prove it and exposing A1 and A5. Abduction has been defined in Section 362 of the Indian Penal Code as follows :—

" Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person. " In the present instance, the accused 1 to 3 by force compelled Mr. Krishna Murthy to go from the place he was walking in the National School field with them in the van and while compelling him they have used force as can be seen by their holding his feet and chest and putting him in the van. Therefore, as soon as they put him in the van by force, the abduction was complete and the result of abduction shows also the intention to murder.

75. The 5th accused is said to have abetted the 1st accused for murder and abduction with intent to commit murder. The 5th accused has been a lawyer for the family of A1 from about 1933 or 1934 so far as could be seen from the records. When there was a suit filed by one Mr. T. D. M. Fernandez, P. W. 77, against the 1st accused and his father, it was the 5th accused that defended them in the Civil and Military Station District Judge's Court. It was the 5th accused that was appearing for the 1st accused in the guardianship proceedings in Mis. 67—35-36, up to 4th March 1937. The motive for the abetment of murder and abduction for the 5th accused is said to be the forgery of the Will Exhibit P157. That is a will said to have been executed by the deceased Munindanjappa three days before his death on 5th January 1935. He died on 8th January 1935. It is with regard to this unfortunate will that proceedings have been going on from the year 1935 between A1 and his mother.

76. It is necessary to recapitulate what these proceedings are in order to understand the motive. A1 is one of the attestors of the will and A5 is admittedly the person who has drafted the will. The prosecution contend that at the time the will was executed Munindanjappa was unconscious and that he was not in a position to know what he was doing and that when he was unconscious his thumb marks have been taken to the will fabricated by the 1st and fiftth accused. At any rate the thumb marks were taken, according to the prosecution, before the death of Munindanjappa. The evidence does not state quite clearly whether at the time the thumb marks were taken the will had actually been written or not though during the course of the arguments the Public Prosecutor stated that the thumb marks were taken first to the paper and the will written later.

77. Subsequent to the death of Munindanjappa, in a few months disputes arose between the mother and the son. The son stated that he was a co-executor under the will along with his mother and that he wanted to administer the properties with the co-operation of his mother. Lakshmamma says, she would not agree, then there were disputes between them and the son and the mother separated. Before his death, Munindanjappa had deposited Rs. 85,000 as stated above in the names of his 8 minor children and in the name of his wife. Of these 8 minor children, 5 are sons and 3 are daughters. In the name of each son he deposited Rs. 10,000 and in the name of his two daughters he deposited Rs. 5,000 each and in the name of one daughter Sharadamma Rs. 15,000 and in the name of his wife Lakshmamma Rs. 10,000. Exhibits P17 to P 25 are the Fixed Deposit Receipts to show the deposits of these sums in the Mysore Bank on 5th November 1935. In the case of these minor children, Munindanjappa constituted himself and his wife, either or survivor, as their guardian. These amounts were actually deposited in the Bank by his son-in-law Guru Murthy P. W. 98, who was living with them all along as one of the members of his family. The chellans showing these deposits are marked Exhibits P 8 to P 16 Guru Murthy has signed those chellans. With regard to these fixed deposits after the death of Munindanjappa, the 1st accused wrote to the Bank stating that he had been appointed an executor under the will and that certain dispositions had been made with regard to those fixed deposits and that the Bank should not allow the money to be drawn by Lakshmamma after they matured.

78. Before proceeding further, it becomes necessary for me to mention here the important terms of the will. Exhibit P 157 is this will. It has been written by P. W. 72 K. V. Ramachandra Rao and it has been attested by the 1st accused and D. W. 2 Venkataswamy. D. W. 3 Hosakote Nanjundappa and D. W. 4

Balakrishna Mudaliar and it has also been attested by one Pandit Narasimhiah and by the deceased Maistry Pilliah and by one Lakshmamma and one Guru Murthy. The defence contends that Lakshmamma and Guru Murthy are no other than the widow and the son-in-law of Muninanjappa. The prosecution deny this fact. One Maistry Pilliah, who is said to have attested, is according to the defence, the father of Guru Murthy. Even that has been denied by the prosecution.

79. According to the terms of the will, out of Rs. 85,000 in deposit in the Mysore Bank as stated above, there was no alteration with regard to the deposits made in the names of his children, but with regard to the deposit of Rs. 10,000 made in the name of his wife, the wife is given absolute interest over Rs. 2,000 and with regard to the balance of Rs. 8,000 she is allowed only to enjoy the interest on that sum during her life time without any power of disposal over Rs. 8,000 and this sum had to go to their two daughters Meenakshi and Komalamba in equal shares and if either of them died the entire amount had to go the survivor and if both of them died, then it had to go to his five minor sons except A1; And with regard to the immoveable properties, each one of the sons is given a bungalow and one to his daughter Sharadamma.

80. Under another term of the will, the 1st accused is given 2 shares in the entire family properties on the ground that he has married two wives and had to bear the burden of a big family. He is given the house item No. 1 in the will, which is supposed to be the biggest of the houses. He is also given rupees 9,755 with interest which was in the Savings Bank in the name of the testator in the Bangalore Bank and he is also given Rs. 5,000 which was in the name of Kodandarama Reddy in the same Bank in the Savings Bank Account and he is also given Rs. 2,675-9-7 with interest that was in the current account in the name of Muninanjappa in the said Bank. The 1st accused it also given 169 shares of the Bangalore Bank which stood in the name of Muninanjappa. With regard to the other items, the will generally mentions that All the sons have got to take equal shares. There is one item of disposition in the will, *viz.*, Rs. 30,000 worth of treasury bonds. These rupees 30 000 consist of Rs. 25,000 of treasury bonds fetching 6½ per cent interest and Rs. 5,000 worth of 3½ per cent Government of India promissory notes. According to the will, this sum of Rs. 30,000 had to be utilised for the purposes of charity. The will appoints the 1st accused, D. W. 2 Venkataswamy and the 5th accused as trustees to carry out the object of the testator. Under it, in No. 22 Cambridge Road Bungalow compound a house had to be built in which "Harikatha" had to take place every Saturday and on "Ramanavami" and on the annual car festival of Sri Someswara of City the poor had to be fed and everyday not more than five "sadhus" also had to be fed and some poor Hindu students had to be given shelter and food there. These are the objects with which a sum of Rs. 30,000 has been set apart. Another Rs. 2,000 worth of treasury bonds was set apart for meeting the funeral expenses of Muninanjappa.

81. From the outstandings (out of money dealings) due to Muninanjappa, the will states that 7 houses had to built in item No. 8 of the schedule attached to the will. Of these, 6 houses had to go to 6 sons and one to daughter Sharadamma and out of the balance remaining in the collections of the outstandings, two shares had to go to the 1st accused and the rest equally to the other sons.

82. With regard to the amount due under the Insurance policy standing in the name of A1, the will states that it should be distributed equally among the sons after the policy matured. In the remaining properties each of the six sons and Sharadamma had to get equal shares. The will enjoins that the 1st accused and the deceased's living wife Lakshmamma should bear the management of the family and look after the minors' education and welfare and that the 1st accused, who is his eldest son, should take guidance from his mother and be advised by her in the management of the family properties. There is a further recital that the amount which is in the Fxed Deposit in the names of these minors should not be utilised for any purpose and that their maintenance should be undertaken only by the income of other properties. It also gives discretion to both the executors to deposit in a more profitable way, if they wished to do so, the fixed deposit amounts standing in the names of the minors.

83. With regard to the amount of Rs. 15,000 given to Sharadamma and with regard to other immoveables given to Sharadamma, certain restrictions are placed. She is given only a life interest in the immoveables and the immoveables had to go

after her to her children who survived her after her death. The reason for giving rupees 15,000 has also been disclosed in the will. Guru Murthy was with them all along and he was brought up as a member of the family. He is given Rs. 5,000 out of Rs. 15,000 with absolute powers of disposal and Guru Murthy is ordained to continue as a member of the family hereafter even as he was before. These are some of the main terms of the will.

84. The only peculiarity that we find in the will is that the 1st accused is given two shares in all the family dealings and other family immoveable properties and he is given about Rs. 17,000 the amount standing in the Savings Bank account in the Bangalore Bank and the Bangalore Bank shares. Lakshmamma states that her husband had no intention of giving any money to the 1st accused as he had already educated him and married him and the will, is therefore, a forgery intended to cause wrongful gain to the 1st accused.

85. After the mother and the son parted Lakshmamma says that A1 told her that there was a will and that the will was with A5 Venkatarangiengar, that she went to A5 at first and that he told her that the will had been kept in a box, that his wife had taken the key and had gone to Chikmagalur and that he would show her the will after her return and that later on she went to A5 and A5 though stated that he had the will in his hand in a cover, he never read out the will to her and he asked her what advantage he would gain if the will was read out to her and told her that he was prepared to help her in any way she liked with regard to the will. She also states that A5 told her then that the will had been read out aloud at the time it was written and that she had even affixed her thumb mark to it and that she felt a shock at hearing this. On the ground that the will was not read out to her and a copy of it too was not sent to her she approached Mr. Suryaprakash, the Public Prosecutor and an Advocate in Civil and Military Station then.

86. Meanwhile on 28th May 1935 the 1st accused wrote a letter Exhibit P 27 to the Mysore Bank, stating that with regard to the fixed deposits referred to above that he is the senior male member of the family and that he is looking after the minor brothers and sisters and that the interest or principal of the fixed deposit amounts should not be paid to his mother Lakshmamma without his knowledge and consent. The Bank consulted its legal adviser and the legal adviser Mr. B. Vasudeva Murthy, P. W. 61, sent a draft reply as per Exhibit P 30 to the Bank to be sent to A1. A reply as per Exhibit P 30 was sent to A1. Exhibit P 29 is the letter of Mr. B. Vasudeva Murthy enclosing the draft reply. According to Exhibit P 30 the Bank stated that with regard to the sum of Rs. 10,000 standing in the name of Lakshmamma, no instructions of anybody can be considered as regards the payment of principal and interest, and that as regards the deposit in the name of the minors Srimathi Lakshmamma as the surviving guardian was entitled to draw that amount and no instructions to the contrary from any one else without any orders of a competent Court could prevent the Bank from paying to Lakshmamma. That also suggested that Lakshmamma was the mother and natural guardian of the minors and that the Bank was not aware of the existence of terms of any will referred to by A1 and told him to send them probate or letters of administration of the same if the will had been duly proved in accordance with law if he wished them to act in accordance with his instructions. In his letter, the 1st accused had also stated that his father had left a will. He did not give the details of the will and he did not purport to act as an executor under the will. Anyhow, Mr. B. Vasudeva Murthy advised the Bank to keep the minors' fixed deposits until they heard from A1.

87. On 16th July 1935 Lakshmamma wrote to the Bank as per Exhibit P 31 asking the Bank to renew the fixed deposits for longer periods. These fixed deposits at that time were only for one year as shown in Exhibits P 17 to P 25 and Lakshmamma wanted them to be renewed for various years till each of them attained majority. This letter was again referred to Mr. B. Vasudeva Murthy. Lakshmamma had also stated that Sharadamma would attain majority about eight months later and would then draw the amount in her name and in Sharadamma's name. Mr. B. Vasudeva Murthy wrote back to the Bank as per Exhibit P 33 suggesting to the Bank to obtain some evidence as to when Sharadamma attains majority and to pay the amount in the name of Lakshmamma to her as they had

meanwhile, Lakshmamma wrote another letter on 9th July 1935 reminding them of her previous letter. On the 10th of July the Bank wrote back to Lakshmamma stating that she should produce evidence as regards the date of birth of Sharadamma and that they were agreeable to pay the proceeds of the fixed deposits in the name of Lakshmamma on the due date and that they were prepared to renew the other seven deposits. They also enclosed a cheque for Rs. 1,656 being the intereset on the several fixed deposits.

88. Then on the 5th November 1935 the 5th accused for and on behalf of the 1st accused and as a trustee under the will wrote a letter Exhibit P 36 to the Bank with regard to the disposal of the fixed deposits of Rs. 85,000. He stated therein that Muninanjappa had appointed A1 and Lakshmamma as joint executors and guardians under the will and that the will had been entrusted to his care and that the deposits should be kept intact and renewed with the Bank and that the testator had further given specific directions with regard to the amount of Rs. 10,000 deposited in the name of Lakshmamma, that Lakshmamma was entitled only to an absolute estate over Rs. 2,000 and that Lakshmamma who agreed to act under the will and had attested the same in token of her acceptance, had been disclaiming all knowledge of the will and was acting against the interests of the minors and requesting the Bank not to allow the amount in the fixed deposit to be drawn on that day as on that day the period of fixed deposits expired. He also wrote in that letter that A1 was suing out for probate to the will and that the amount should not therefore be given over to any one. Then again the Bank consulted their legal adviser Mr. B. Vasudeva Murthy and he suggested a reply to be given to Mr. Venkataranga Iyengar as per Exhibit P 38. Mr. B. Vasudeva Murthy also told the Bank in his letter Exhibit P 37 that the Bank could not withhold paying the amount standing in the name of Lakshmamma unless a prohibitory order is received from a competent Court and that with regard to other fixed deposits in the names of the minors he suggested that they may be continued to be kept in fixed deposits in accordance with Lakshmamma's wishes and that Lakshmamma may be asked to get herself appointed as guardian of the minors in a competent court of law before claiming the amounts. In Exhibet P 38, the previous reply given to A1 as per Exhibit P 30 was referred to. It also informed A5 that Mrs. Lakshmamma as the surviving guardian was entitled to draw the fixed deposit amounts deposited both in her name and in the name of her minor children and that the Bank could not take notice of any instructions to the contrary without any orders of a competent Court. The Bank also reminded A5 that A1 had been asked to send the letters of administration or probate to the will referred to by A5 and that in the copy of the will which had been sent by A5 to the Bank there was nothing which prevented her from drawing the principal amount or interest on Rs. 10,000 and that the Bank was not going to keep the fixed deposit amounts during the life time of Lakshmamma. In the end, the reply stated that the Bank could not take notice of any prohibition made by A5 unless there was an order of a competent Court. Mr. Vasudeva Murthy also mentioned therein that the matter was very urgent and that the Bank could not withhold payment if payment was applied for.

89. Before this reply of the 11th November 1935 as per Exhibit P38 was given, the Bank must have received a copy of the will. This is referred to in Exhibit P38 and there is a note as per Exhibit P38 (*a*) "Encl: Copy of the will receivd with your letter of 5th November 1935." This note is said to have been made by P. W. 25 Mr. G. Sreenivasa Iyengar, the clerk in charge of the Fixed Deposits Section.

90. On 20th November 1935 Lakshmamma wrote a letter to the Bank as per Exhibit P 39 referring to the previous letters of the Bank and requesting the Bank to renew the fixed deposits as stated in her previous letter and requesting that the fixed deposit amount in her name may be returned to her with interest through the Bank's Branch at Civil and Military Station. To this letter the Bank replied as per Exhibit P40 stating that they could not comply with her request as they had received a prohibitory order from the District Judge, Bangalore, not to pay the deposit amounts or the accrued interest standing in the name of minors as also a sum of Rs. 8,000 out of the deposits standing in her name. Exhibit P40 is the prohibitory order issued by the Court to the Bank to withhold payment.

91. In the meanwhile, between May and November 1935, Lakshmamma consulted Mr. Suryaprakash with regard to the question of the will alleged by the

1st accused. On 24th July 1935, Mr. Suryaprakash sent a notice as per Exhibit P83 to the 1st accused demanding the copy of the will on the ground that the 1st accused had told Lakshmamma (his mother) that the late Muninanjappa had left a will and that she was not aware of the execution of the said will and that she did not know the contents thereof and that though she had been demanding a copy of the will she has been constantly put off and that he was wasting certain properties taking advantage of the alleged will and demanding a copy of the alleged will immediately. In replay to this, the 1st accused wrote a reply on 29th July 1935 as per Exhibit P84 stating that the will was true and that it was with A5. He alleged therein that Lakshmamma was perfectly aware of the contents of the will and that she was present at the time of the execution and that she had also attested it and he requested Mr. Suryaprakash to ask Mr. Venkataranga Iyengar for a copy of the will with whom the will had been entrusted with the full knowledge and concurrence of Lakshmamma. He also referred therein that persons who were not well disposed towards the family had been trying to bring about a split between the mother and the son and that he had done nothing more than what his father wished him to do for the benefit of his minor brothers and sisters.

92. Subsequent to this, on the 12th and 23rd August 1935 two notices were issued on behalf of Lakshmamma by Mr. Suryaprakash as per Exhibits P85 and P 86 with regard to certain other properties. Another two notices were also issued to A1 on behalf of Lakshmamma as per Exhibits P87 and P88. Then A1 wrote a letter to his mother as per Exhibit P89 complaining against her that she was trying to lower him in the estimate of his relatives and friends and stating that he was ever prepared for any reasonable proposal that may be put forward by her in order to carry out the wishes of his father and that he agreed to discuss and place all his grievances before Mr. Suryaprakash. In this letter dated 1st October 1935, the 1st accused stated that Mr. S. K. Venkataranga Iyengar had already sent him a copy of the will and that he had also stated in his letter that another copy had been sent to her. He also requested therein for the return of the Rs. 30,000 bonds Exhibit P96 series.

93. The consultation with Mr. Suryaprakash and the correspondence that passed between A1 and Lakshmamma and Mr. Suryaprakash is spoken to by Mr. Ahobala Nath, who was a junior of Mr. Suryaprakash. The latter is now dead. Mr. Ahobala Nath speaks to these letters referred to above, those that were issued from Mr. Suryaprakash's Office and those what were received by him as replies to those letters.

94. On 23rd September 1935 the 5th accused sent a copy of the will to A1 by registered post along with his letter of the same date. That letter is Exhibit P 80. He states therein that in accordance with the conversation he had with A1 in *Rao Saheb* Suryaprakash's bungalow he is sending a copy of the will left by the deceased Muninanjappa and in it has made a note that he has forwarded another copy of the will to the co-executor's counsel *Rao Saheb* C. N. Suryaprakash. This letter has been produced by the prosecution themselves and it is proved to be that of the 5th accused. From this letter it becomes clear that a copy of the will had been sent both to A1 and Mr. Suryaprakash. This fact is referred to in the letter of the 1st accused Exhibit P89 to Mr. Suryaprakash.

95. Mr. Ahobala Nath, P. W. 30, who has been examined at great length states that no copy of the will had been produced by A5 though Mr. Suryaprakash wrote two letters by registered post as per postal acknowledgments Exhibits P93 and P94. The letters or copies of those letters to which these acknowledgments refer have not been produced and according to Mr. Ahobala Nath, another letter was despatched on 10th August 1935 to A1 and to A5 requiring production of a copy. The posting of this letter is seen in the Office tappal book Exhibit P95 maintained by Mr. Suryaprakash. It appears subsequent to this, Mr. Suryaprakash met A5 in one of the Courts in Civil and Military Station and there A5 told Mr. Suryaprakash that the will was a lengthy one and that it will take some time to get it copied and that he would send it after copying it. Subsequently we see that from the letter of A5 to A1 on 23rd September 1935 a copy of the will must have been sent to Mr. Suryaprakash though Mr. Ahobala Nath denies ever having received a copy of the will. The fact that subsequent to 23rd September 1935 though A1 and A5 and Lakshmamma and Suryaprakash all met several times and though there was exchange of letters there is no reference to the copy of the will. This must be due

to the fact that a copy must have been given to Mr. Suryaprakash as stated in the letter Exhibit P80. Mr. Ahobala Nath was confronted with a voucher given by him as per Exhibit D17 which bore his initials to show that a letter with a copy of the will dated 5th January 1935 left by the late Muninanjappa had been sent to *Rao Saheb* C. N. Suryaprakash on 24th September 1935 and this voucher states that it was from the 5th accused Mr. Ahobala Nath admits that this voucher or receipt contains his initials and that it is dated 25th September 1935. When Mr. Ahobala Nath was examined on the first day, the learned counsel for the defence did not confront him with this and later on he was recalled and cross-examined and he was shown this voucher. Mr. Ahobala Nath frankly admitted that this voucher contained his initials and after seeing this he says that he cannot definitly state that Mr. Suryaprakash has not received the will though to his recollection he does not seem to have received a copy of it. The explanation of the learned counsel for the defence for not producing it earlier was that it was traced after the examination of Mr. Ahobala Nath was over. Whatever the reason may be for the delay, any suspicion attached to this voucher will disappear when Mr. Ahobala Nath admits having initialled this acknowledgment on 25th September 1935. This exhibit clearly indicates that a copy of the will had been sent to Mr. Suryaprakash on 24th September 1935 by A5. This voucher is in the writing of P. W. 95 Nanjundiah, the clerk of A5, and he also speaks to the delivery of this copy of the will to Mr. Suryaprakash's Office.

96. P. W. 95, who is a prosecution witness, states that he delivered in person the will copy referred to in Exhibit D17 and obtained the acknowledgment of Mr. Ahobala Nath. The learned Public Prosecutor suggested that though the lower portion of Exhibit D17 may be a genuine one, the upper portion of it has been a subsequent interpolation. P. W. 30 does not say so at all. I cannot agree with that suggestion. The ink with which the upper and the lower portions are written appear to be the same and in the same hand writing. Without the upper portion if we take merely the address of Mr. Suryaprakash it does not convey any meaning at all. "One letter followed with a copy of the will dated 5th January 1935 executed by late Muninanjappa" conveys what was sent to Mr. Suryaprakash on that day. I have no doubt that D17 is a genuine document and that no portion of it has been subsequently interpolated. This view is strengthened by the fact that even in Exhibit P80 the 5th accused has made a note that a copy of the will had been sent to Mr. Suryaprakash. This letter had been produced in Court already in the District Judge's Court long before this case started and there was no reason for the 5th accused at that time to make a false note about the sending of a copy of the will as per Exhibit P80(a). Moreover, this letter was with the 1st accused and it is he that has produced it to Court.

97. Mr. Ahobala Nath admits that there were attempts at compromise at the suggestion of A 5 and that in the end they failed. On 16th November 1935 the 1st accused filed the guardianship application Mis. 67 of 35-36 requesting the District Judge of Bangalore City to appoint him as the guardian of the minor brothers and sisters. In that case A1 stated that the deceased Muninanjappa had left a will by which he and his mother are appointed joint executors and guardian of the person and property of the minor brothers and sisters and this guardianship case was restricted to the fixed deposit amount in the Mysore Bank. At that time the 5th accused was the counsel for the 1st accused. On the same day the 1st accused obtained an order of temporary injunction prohibiting the Bank from paying the amount in fixed deposits to Lakshmamma until further orders of the Court. Mr. M. Krishna Murthy represented Lakshmamma and filed an objection statement in that case on 6th of January 1936 as per Exhibit P120. In this Lakshmamma pleaded that the will is a fabricated document, unregistered and unprobated.

98. In reply, A1 stated as per Exhibit D6 that the will was a genuine document and that Lakshmamma had attested the same and that Lakshmamma had acted under the will for some time and had taken a hostile attitude later on.

99. It is seen that though in the application it was stated that a copy of the will had been produced along with the application on 16th November 1935, the copy was not produced and the copy was produced only on 25th March 1936. We find from the records that a number of applications and objections, affidavits and counter-affidavits have been filed between the parties in the case. During the course of the proceedings on 4th March 1937 the 5th accused produced the original will to the Court and stated that as he was likely to appear as a witness in the case,

he wanted the permission of the Court to retire from the case. On 30th March 1937 Mr. M. P. Somasekhara Rao began appearing for the 1st accused in this case.

100. On 29th September 1937 the prohibitory order issued with regard to the amount of Rs. 15,000 standing in the name of Sharadamma was dissolved on the ground that Sharadamma attained majority. The Court also passed another order on 28th November 1938 stating that since Kodandarama Reddy, one of the minor brothers of A1, had attained majority, the proceedings so far as he is concerned, have been dropped and the prohibitory order with regard to Rs. 10,000 standing in his name was also withdrawn. This case had a long-drawn trial and on 3rd April 1939 orders were passed finally stating that the petitioner cannot be appointed as guardian of the minors on the ground that he is not residing within the jurisdiction of this Court. Mr. Somasekhara Rao who has appeared for A1 in Mis. 67 of 35-36, states that there was an order in this case to the effect that the genuineness of the will need not be considered and that this order was passed on the application made by Mr. M. Krishna Murthy and according to the witness, the 1st accused was anxious that the enquiry regarding the genuineness of the will should proceed in that case alone and he was pressing for it. After the Court withdrew the prohibitory order regarding Sharadamma's deposit, A1 filed a suit on 1st October 1937 for a declaration that the amount standing in the name of Lakshmamma and Sharadamma in the fixed deposits belonged to the estate of Muninanjappa and that they were not the absolute properties of Lakshmamma and Sharadamma. Even in this case they obtained an order of temporary injunction to prevent the Bank from paying these sums to these two persons. In this case again, the genuineness of the will was directly in question.

101. On 30th June 1939 the 1st accused filed an application for the grant of probate with a copy of the will annexed with regard to the will in question. This was filed through his advocates Messrs. M. P. Somasekhara Rao and H. S. Narasiah. This O. S. 10 of 39-40 was at first registered as a micellaneous application and later on converted into an original suit. In all these proceedings Lakshmamma strenuously contended that the will was a fabricated one and that there was no need for Muninanjappa to make a will. Pending disposal of O. S. 10 of 39-40, O. S. 11 of 37-38 was stayed as per order of the Court. This O. S. 10 of 39-40 was dismissed for default of prosecution on 14-2-40 as the 1st accused had not taken any steps in time.

102. In O. S. 11 of 37-38 some witnesses including the 1st accused and one Anugondanahalli Narasimhiah, one of the attestors of the will, had been examined and the case has been posted for further evidence to 19th March 1940. By that time the 1st accused had been arrested in connection with this case and as no further steps had been taken the case was closed by the Court and the Court by a judgment dismissed the suit directing the parties to bear their own costs.

103. It is very unfortunate that during all these proceedings the Civil Court which could have arrived at a conclusion as regards the genuineness or otherwise of the will could not do so as the parties were not sufficiently diligent in assisting the Court in arriving at a conclusion on merits. The same question regarding the genuineness of the will had also arisen in O. S. 28 of 38-39, a case in which the brothers of A1 filed a suit against the debtors of the family making the 1st accused as a *pro-forma* defendant in the suit. In O. S. 11 of 37-38 and O. S. 28 of 38-39, A5 had been cited as a witness and according to Mr. M. P. Somasekhara Rao, A5 was ever anxious and ready to be examined as a witness on two occasions and that for some other reasons he could not be examined on those days.

104. Apart from these proceedings, Lakshmamma filed an application against the 5th accused under the Legal Practitioners Act in Mis. 191 of 38-39 on 5th April 1939 stating that the 5th accused who stated that he had produced a copy of the will in Mis. 67 of 35-36 on 16th November 1935 had not really done so. On the same day Lakshmamma also filed another application against the 1st accused requesting the Court to take proceedings against A1 for making a false allegation that a copy of the will had been produced on 16th November 1935 though no such copy had been produced. Both these applications have been subsequently dismissed, as I have already stated above. I have referred to these circumstances to show the state of feelings that existed between the 1st accused and his mother and between the 5th accused and the 1st accused's mother and between Krishna Murthy and the 5th accused. It is evident that the two applications filed on 5th April 1939

against A1 and A5 could not have been filed by Lakshmamma without an advice given by Mr. M. Krishna Murthy. That these two applications were not really *bonafide* could be seen by the fact that they were filed nearly 3½ years after the filling of the application in Mis. 67 of 35-36 and long after the copy of the will and the original itself were filed. From case to case, the feelings between the parties became more and more strained and we find stronger expressions used in the pleadings against each other.

105. Apart from this, the 1st accused filed an application for the grant of probate to the District Judge's Court, Civil and Military Station, regarding the properties within the jurisdiction of that Court. That was filed on 6th July 1939 as per Ext. P. 230, the certified copy of the application. This was posted after certain hearings finally to the 4th March 1940. As the evidence of Mr. Sarma, the Bench Clerk of that Court and of Mr. Narasiah, the Advocate for the 1st accused in that case, shows Mr. S. K. Venkataranga Iyengar was one of the witnesses summoned. Though in February he was summoned to give evidence and to produce the will, for the later dates of two hearings he was not summoned at all though it was intended to summon him only to produce the will or cause the production of the will. He had not been cited to give evidence in the case. It is seen that all through these proceedings Lakshmamma strenuously contended that the will was a forgery and that it had been got up by A1 and A5 in collusion with Venkataswamy. In the Civil Courts Lakshmamma never stated that the alleged will contained the thumb marks of Muninanjappa, her husband, but called it a fabricated document and never said anything about the unconsciousness of Muninanjappa at the time his thumb mark was taken. It is, therefore, now for me to consider whether the will Ext. P157 is a forgery or not.

106. I have given in detail how the will was treated all through these proceedings between A1 and his mother. The prosecution have tried to show that the will is a forgery. I quite see the difficulty of the prosecution in proving the negative statement that that will is not a genuine one. With regard to the will, the direct evidence is that of the writer of the will K. V. Ramachandra Rao, P. W. 72. The widow and son-in-law and the son of Muninanjappa also have been examined to show that no will could have been executed when Muninanjappa was alive and two more witnesses P. W. 64 and P. W. 65 Nanjappa Reddy and Chikkanniah have been examined to show that for about 8 or 15 days before his death Muninanjappa was not conscious. While dwelling on this subject, I must also state how the thumb mark of Muninanjappa was taken instead of his signature. It is not disputed that he was a literate man and that he could sign both in English and in Kannada. Muninanjappa was ill for some months before his death as I have already stated above and he was suffering from what is known as 'dropsy'. The characteristic features of this disease are the swelling of the extremities and it is in evidence that on the 10th of December 1934 he could not sign the specimen signature card with regard to the fixed deposit amounts deposited in the Mysore Bank. There is the evidence of Mr. T. M. S. Subramaniam, the then Accountant and now the Assistant Manager of the Mysore Bank and he states that as his fingers were swollen on account of dropsy he could not sign and he put his thumb mark to a specimen signature card as per Exhibit P 26. I shall refer later as to whether that thumb mark alleged to be that of Muninanjappa is his or not. But the evidence of Mr. Subramaniam is enough to show that at that time even in December 1934 he could not sign but had to put his thumb mark. Guru Murthy also states that the hands of his father-in law had swollen for a month before his death and that he was not able to sign his name. So when he had put his thumb mark on the 10th of December 1934, there is nothing improper in his having put a thumb mark to the will which is said to have been executed three days before his death.

107. P. W. 64 Nanjappa Reddy states that 8 days before his death Muninanjappa lost his consciousness and did not regain it and that his reason for believing that the deceased was not conscious was that the deceased could not talk to him. P. W. 65 Chikkanniah states that Muninanjappa for 8 days before his death was talking incoherently and that he was feeling weak and talking low and that he was taking fruit juice under compulsion. These are the two persons who are said to have been visiting him daily when Muninanjappa was ill and according to P. W. 64 Muninanjappa ceased talking and his eyes got hazy and he could not recognize

persons. These two witnesses contradict each other, whereas Nanjappa Reddy states that he was not talking at all Chikkanniah states that he was talking incoherently. Lakshmamma, the widow of the deceased states that for 15 days before his death, her husband had no consciousness and that he was talking incoherently and that for 15 days before his death no one gave him any medicine. Kodandarama Reddy, the brother of A1, also deposes that a few days before his death his father had lost consciousness. Guru Murthy does not say anything about the condition of Muninanjappa shortly before his death. If we look into the evidence of Mr. Ahobalanath, it is seen that in the year 1935 alone Lakshmamma has told Mr. Suryaprakash and Mr. Ahobalanath that her husband was unconscious for 3 or 4 days before his death. There is a considerable improvement now about the period of unconsciousness in this case. If we take the main and important witness in the will, K. V. Ramachandra Rao's evidence, we will see that the alleged unconsciousness on the 5th of January 1935 could not be true.

108. This witness was a perfect stranger to Mr. Muninanjappa and he had not gone to his house before the date of writing the will and he states that he worte the will in accordance with the dictation of A5. In the examination-in-chief he has stated as follows :—

"When I took the thumb mark of the deceased Muninanjappa for Exhibit P 157 (the Will) Muninanjappa appeared to me to have no consciousness. I see some interlineations as per Exhibit P 157 (*a*) to P 157 (*d*). A5 dictated a draft of the will to me that morning. I fair copied Exhibit P 157 by looking into that draft.....I knew from my memory that these interlineations were omissions in copying from the draft at first." In the Cross-examination he states as follows :—

"When I went to Muninanjappa that morning of the day on which Exhibit P 157 was written Muninanjappa was talking in low voice.....An elderly woman who was there was Lakshmamma whom I came to know that evening. That morning A5 was questioning Muninanjappa whether the will could be written. There were other persons besides the attestors when the thumb impression of Muninanjappa was taken to Exhibit P 157. No one objected then to the taking of Muninanjappa's thumb mark to the will..... ....A1 and A5 took me to Muninanjappa's house in A1's car. Muninanjappa was lying in a room in the verandah. After we went inside the house A5 went to Muninanjappa's room and asked Muninanjappa how his health was. Muninanjappa was replying in a low voice. I did not hear it. When A5 asked about his health A5 was standing by the side of his cot. Besides A1, A5 and myself there were 8 or 10 persons in that room of Muninanjappa at that time.....One or two of those 6 male adults have attested the will that evening..... I see one M. Guru Murthi has attested in the will ..... That Guru Murthy was also present in the morning in Muninanjappa's room when A5 was enquiring about Muninaniappa's health. A5 then asked Muninanjappa shall we have the will written; (in Telugu)'..... A5 and Muninanjappa had conversation for something like 10 minutes. A5 asked Muninanjappa whether the will could be written in a loud voice. The person present in the room and myself heard his question. Lakshmamma was present in the room when the conversation took place between A5 and Muninanjappa." According to this witness, the will was drafted in the morning under instructions received from Muninanjappa and it was fair-copied in the afternoon. At about 12 o' Clock A5 left the house of Muninanjappa owing to court work and returned in the evening. All along this witness was in the house of Muninanjappa and one of the sons of Muninanjappa took him to a hotel and got him lunch as he had no food that day and no one objected to the writing of the will. He also states that after dictating portions A5 used to go to the verandah and come back after a few minutes. This must be only with a view to consult Muninanjappa. He states that after A5 returned each time there used to be some alternation in the draft. He also states that two persons were seated in the room in which the draft was being written all along and that they were male adults and that the door of the room in which the draft was written was open and that people were moving about in the verandah. It is also seen from his evidence that A5 went with the draft to Muninanjappa's room and returned though he does not know whether the draft was read out to Muninanjappa in the morning. He is positive that A5 told him that Muninanjappa had got certain

alterations made and had got some portions scored out and that accordingly A5 had got those portions scored out and that in the evening A5 compared the fair-copy with the draft. He further goes on to say I and A5 went with the will to Muninanjappa's room. It was then 6 or 6-30 P.M. About 7 or 8 people including the women in the house were in the room then. All the persons who have attested the will were in the room then. I saw Lakshmamma when she attested the will. Lakshmamma too was in the room when we went there with the will..... After we went to Muninanjappa's room A5 began reading the will in a loud voice and others could hear it easily. I cannot say if Muninanjappa approved of the will as I was standing at a distance near the door..... I am under the impression that Muninanjappa had approved of the will. If he had not approved of the will I would not have proceeded with the further formalities such as attestations, etc. No one including Muninanjappa objected to the contents of the will when it was read out by A5..... .....After the will was read out the thumb impression of Muninanjappa was taken to each page and to each correction and alteration. One of the men standing there went and brought the ink pad and assisted Muninanjappa in putting the thumb impression.....I have attested for each of the thumb impression of Muninanjappa. All the attesting witnesses were when Muninanjappa affixed his several thumb marks to the will. All the witnesses attested the will immediately after Muninanjappa put his thumb impressions to the will. There is the thumb impression of Lakshmamma also in the will. I have attested for her impression. She put it before me at that time. One 'ಪೀ' Pilliah has also attested the will. I have put 'ಬಿಕ್ಕಲಂ'.

109. After the cross-examination was over, the Public Prosecutor requested the permission of the court to put such questions to this witness which could be put in cross-examination under Section 154 of the Evidence Act. The learned counsel for the 5th accused though objected to this at first withdrew his objections and allowed the Public Prosecutor to put further questions. In re-examination he stated that when he saw Muninanjappa he felt that Muninanjappa had no consciousness when he put his thumb mark.

110. He has stated before the Magistrate who recorded his statement as per Exhibit P 159 that A5 held a fountain pen before Muninanjappa and that the latter did not give reply. That was a statement made by him under Section 164 of the Criminal Procedure Code when there was no opportunity to the defence for cross-examining him. In Exhibit P 159, the witness has stated that when all this took place Muninanjappa was seriously ill and he was not conscious but was only staring at those standing by. But he now denies having made that statement. He also states that A5 gave out the name of the woman as Lakshmamma and that woman was present when A 5 mentioned the name. He is a witness for the prosecution and the prosecution seem to doubt his veracity as can be seen by the leading questions put in re-examination. I have carefully weighed his evidence and I find that he has substantialy spoken the truth when he says that Muninanjappa was conscious and that A5 read out the contents of the will to him and after knowing its contents Muninanjappa signed the will with his thumb mark. At one time he says that Muninanjappa had no consciousness. That is inconsistent with his statement that Muninanjappa replied to A5 when A5 questioned him about his health and that Muninanjappa heard terms of the will and put his thumb mark. According to him the people that attested the will were also present and some of the attestors were present when the draft of the will was written and that the will read out to Muninanjappa in the presence of not only the attestors but the inmates of the house and that Muninanjappa did not raise any objection and that on the other hand he put his thumb marks to the will. If the prosecution do not want me to rely on this witness, then there is no evidence to show under what circumstances the will was written. If they want me to depend on the evidence of this witness, either his evidence will have to be discredited as being inconsistent or we must take the gist of the evidence and find out whether he has spoken the truth and if so which portion of it is true. Taking the other circumstances into consideration, I am inclined to believe his statement that Muninanjappa was conscious at the time the will was actually signed by him. No doubt the statement of this witness has been recorded under Section 164 of the Criminal Procedure Code. But under what circumstances this has been done will have to be considered. On the morning he gave the statement, he was closetted in the house of the Superintendent of Police

Mr. V. V. Naik. There was another Superintendent of Police Mr. Wynne in addition to Mr. V. V. Naik and there were some Police Officers also. His statement was recorded in a small note book by the Police and in the same evening he has been placed before the Magistrate. At the time he made the statement as per Exhibit P 159 he had no opportunity of being cross-examined and the statements made by him in this Court at the time of the cross-examination are certainly entitled to greater weight. He is a perfect stranger to the deceased Muninanjappa and A1 and he would not have been a willing party to the forgery of the will on the mere request of A1 and A5.

111. The fact that interlineations and corrections are found in the will is sufficient to show that the will could not have been a forgery. If it was a forgery the 5th accused who is an intelligent lawayer and A1 who is an intelligent young man would certainly have taken trouble to see that a fair copy of the will which contained no erasures or interlineations was written with a view to make it appear as if it was a true one. The 5th accused, on the other hand, has examined three of the attestors to the will, *viz.* D. W. 2 Venkataswamy, D. W. 3 Hosakote Nanjundappa and D. W. 4 Balakrishna Mudaliar.

112. D.W. 2 Venkataswamy appears to be a friend of Muninanjappa from his boyhood. They were living in the same street and their house were very near each other. According to him, as Muninanjappa's hands were swollen and as he had no control over his limbs he could not sign the will and so put his thumb mark to the will. The will, after it was written, was read over to him and the witness states that Muninanjappa's state of mind was quite all right then and that Lakshmamma, the widow of Muninanjappa, who was present then, put her thumb mark to the will and that Gurumurthy, the son-in-law of Muninanjappa, also attested the will and he indentifies the signature of Guru Murthy as Exhibit P 157 (g) and he states that Gurumurthy signed it before him and that one Maistry Pilliah, the father of Gurumurthy, also attested the will in his presence. That Maistry Pilliah is now dead. He states that Muninanjappa was able to discuss and understand what he said at the time he made the will and that the will was being written since the morning of 5th January 1935 and it was completed before evening and that with the help of Gurumurthy, his son-in-law, Muninanjappa put his thumb mark with an ink pad. He is one of the trustees to whom Rs. 30,000 has been entrusted under the will for purposes of charity and he also states that the will was read out to Muninanjappa and the latter proposed certain alterations which are incorporated in the will at the instance of A5 and that under instructions of Muninanjappa A5 dictated the will. Muninanjappa according to this witness, had purchased a land in Akkithimmanahalli jointly in his name and in the name of this witness. He was a debtor of Muninanjappa having borrowed Rs. 2,000 under a pronote Exhibit P254 along with another person. According to this witness, that pronote debt has been discharged. This pronote is of the year 1929 and since no steps have been taken we must presume that the pronote has been discharged. His credit is sought to be impeached on the ground that there is a decree against him and that there are no properties in his name but he states and that he has family properties and that he has a share in them. He is a bachelor. On these grounds alone his evidence cannot be disbelieved. Heis very well corroborated by two other attestors and the evidence of the writer P. W. 72 Ramachandra Rao himself.

113. It is admitted both by Kodandarama Reddy, (P. W. 91) and Gurumurthy P.W. 98 that this Venkataswamy was visiting Muninanjappa during his last illness. It is also admitted by them that Hosakote Nanjundappa was coming to see Muninanjappa when he was ill.

114. Hoskote Nanjundappa had also been summoned as a prosecution witness in this case and he also swears that he has attested the will and that Muninanjappa executed this will when he was quite conscious. He is also a friend of Muninanjappa from his childhood and he states that Muninanjappa's state of mind was quite good when he made the will and that the testator himself requested him to attest it, that A5 read out the will, that Muninanjappa stated that it was all right and that Lakshmamma, Gurumurthy, Pilliah, A1, Vaidya referring to Pandit Narasimhiah, one Mudaliar, referring to P. W. 4 Balakrishna Mudaliar himself and others were present when Muninanjappa signed the will. He has also stated that Lakshmamma did not object to the will and that she affixed her thumb mark to the will and that four members of the house-hold and four outsiders attested the will.

as desired by Muninanjappa. He is an old illiterate person and he does not know in what language the will was written and states that it may be in Telugu. Since he is not literate, it is not possible for him to identify the language in which it is written. He also states that A5 and Muninanjappa were talking occasionally whenever he went to Muninanjappa's house and that he saw A5 in Muninanjappa's house on the date of the will till 12 NOON and again at 5 P.M.

115. That this witness Hosakote Nanjundappa was visiting Muninanjappa during his illness is admitted by Guru Murthy. Lakshmamma states that she had borrowed money from Hosakote Siddappa, the brother of this witness. Balakrishna Mudaliar was as admitted by Guru Murthy and Lakshmamma the tenant in one of their out-houses in the same bungalow where Muninanjappa lived and it is admitted that he was occasionally coming to their house. He is now at St. Thomas Mount, Madras and he states that he was residing in the C. & M. Station from 1931 to 1938 in the out-house of Muninanjappa Reddy and that he knew him well. He also states that he is aware that Muninanjappa made a will which he has attested and he identified Ext. P157 as the will which Muninanjappa made and which he has attested. He is positive that Muninanjappa was of sound mind when he executed the will and that the will was read out before he signed it. He admits that he was not present there till the will was fully read out and that he was not there when Muninanjappa affixed his thumb mark to the will but he states that at the time the will was read out, an objection was raised by Muninanjappa and then there was a discussion between him and A5 and that at that time he went out. He states that Muninanjappa was quite conscious and that he was able to discuss the terms of the will and that Muninanjappa asked him to attest the will and that he did so after ascertaining from him that he had signed it.

116. Venkataswamy and Hosakote Nunjundappa also depose that Guru Murthy and Lakshmamma have attested the will. I have watched the demeanour of these witnesses as well as the demeanour of the writer of the will P. W. 72 Ramachandra Rao and I am satisfied with the demeanour of these three witnesses that they are speaking the truth. It is a curious thing that though the prosecution witness Ramachandra Rao and D. Ws. 2 and 3 swear to the fact that Lakshmamma and Guru Murthy have attested the will, Lakshmamma has not been put a question as to whether she has put her thumb mark to the will. If the prosecution depend upon the evidence of Ramachandra Rao, it was clearly their duty to prove that the thumb mark found in the will as that of Lakshmamma's was not hers.

117. D. W. 2 Venkataswamy and D. W. 5 Kenchappa state that on the 1st of January 1935 Muninanjappa was quite conscious and that he went with certain persons in a motor car to Mr. Murphy, the then Municipal Engineer, in C. & M. Station to give him some presents on the New Year Day. According to them, Muninanjappa was no doubt ill with dropsy and he was unable to get up and get down the car and that he was put into the car and that at Mr. Murphy's house he stayed in the car and that Mr. Murphy after accepting the presents came and talked to Mr. Muninanjappa in the car itself and asked him why he took the trouble of coming to him. Mr. Muninanjappa is said to have told him that he wanted Mr. Murphy to take care of A1 and Guru Murthy. There is nothing improbable in this version. Muninanjappa was a contractor and in order to show his regard to his Engineer he may have gone there with presents, and particularly as he was ill he might have thought it better to entrust his son and son-in-law to the care of Mr. Murphy as A1 also was a contractor by that time. This portion of the evidence appears to be substantially true and seems to quite fit in with the probabilities. The fact that Muninanjappa was unable to get down the car and Mr. Murphy himself had to come and see him shows that the witnesses could not have imagined an incident which is not true.

118. Lakshmamma and Muninanjappa have put their thumb marks to the specimen signature card Exhibit P26 after they deposited Rs. 85,000 in the Mysore Bank. P. W. 22 Mr. T. M. S. Subrahmanyam, the Assistant Manager of the Bank, states that after deposit of Rs. 85,000 on 5th November 1934 he took the thumb marks of both Muninanjappa and Lakshmamma to the specimen signature card as they were the guardians of the minor depositors and as Lakshmamma herself was one of the depositors. He has attested to those thumb marks in Exhibit P26. But he does not say whether the thumb marks were of the right hand or of the left

hand of those two persons. He states that it is usual to take the left thumb impressions and that the thumb impressions No. 1 found in Ex. P26 are the thumb impressions of Muninanjappa and that No. 2 are the thumb impressions of Lakshmamma. He states that as Muninanjappa's hands were swollen and as he was not able to write, he took his thumb mark and that he was watching them when they put their impressions and that he does not remember at this stage whether they put their left thumb or their right thumb.

119. The Finger Print Expert of the Finger Print Bureau, C. I. D. Office, Bangalore Mr. Ramanna, P. W. 94 has been examined and he states that he has compared the finger prints of Muninanjappa found in Ext. P157 with that found in Ext. P26 and that all the thumb impressions found in Ext. P157 purport to be from the same finger and the alleged finger impressions of Muninanjappa's in Ext. P26 are not identical with the nine thumb impressions of Muninanjappa's found in Ext. P157. At the same time he states that the thumb mark jof Lakshmamma's found in Ext. P157, the will, is identical with the thumb marks purporting to be that of Lakshmamma's in Ext. P26 (*b*).

120. Ext. D28 is a sale deed purporting to contain the thumb mark of Muninanjappa taken before the Sub-Registrar at the time the document was registered. That had been produced in the lower Court by the prosecution themselves and the thumb mark found therein was compared with the thumb marks of Muninanjappa's in Ext. P157 and the expert is of opinion that they are from one and the same finger. He also says that he sees a number of white lines in Lakshmamma's impressions in Ext. P26 and that they run parallel and that this is a peculiar feature of this finger. From the evidence of the expert, it is seen that the alleged finger prints of Muninanjappa in Ext. P26 cannot be from his left hand. Unfortunately, the Assistant Manager, in whose presence these finger prints were taken, is unable to state whether they are of the right thumb or of the left thumb. The fact that the alleged thumb impressions of Lakshmamma in Ext. P26 are identical with those found in the will shows that Ext. P26 cannot be altogether a spurious document subsequently introduced in the Bank as contended by the learned Public Prosecutor. It is possible that Muninanjappa who was accustomed to write with his right hand might have used the right thumb for putting his thumb marks in Ext. P26. Otherwise, it is unaccountable how the Assistant Manager of the Bank could take a finger impression which is not that of Muninanjappa's left thumb.

121. The prosecution have not proved that the alleged thumb impression of Lakshmamma found in Ext. P26 is not hers. Lakshmamma admits that as her husband was suffering from swollen limbs, he was putting his thumb marks wherever he had to sign his name and that the Bank Manager took her thumb marks as well as her husband's. I have compared the admitted left thumb marks of Lakshmamma with those found in Ext. P26 and in Ext. P157 as per Ext. P157 (*g*). Lakshmamma's left hand thumb impressions are found admittedly in Ext. P121. Ext. P121 is an application filed by Lakshmamma and attested by Mr. M. Krishna Murthy. This contains her two left hand thumb impressions. Ext. P55, another letter written to the Bank on 19th July 1938 by Lakshmamma also contains her left hand thumb impression. Similarly, the written statement in O. S. 11—37-38 (Ext. P134) contains two left hand thumb impressions of Lakshmamma and attested by Mr. Krishna Murthy. I have compared all these thumb impressions with those found in Ext. P157 (*g*) and P26. Though I do not pose myself as an expert in comparing these finger prints, yet with the help of a magnifying glass I could easily find the identity between these thumb impressions. This impression has got a peculiar characteristic of having about four parallel lines horizontally to the thumb and all these four lines are perceptible in those thumb impressions referred to by me. It is very unfortunate that the thumb impression of Lakshmamma was not asked to be compared by the finger print expert when he was in the box. I did not expect that the prosecution would deny that Ext. P26 contained Lakshmamma's thumb mark. During the course of the arguments, the learned Public Prosecutor stated that he could not admit that they were the thumb impressions of Lakshmamma though the one found in Exhibit P26 is described as that of Lakshmamma's, the widow of Muninanjappa. It is their own witness that has spoken to the fact that they are her thumb marks and if they had any difficulty in admitting it, it was clearly the

duty of the prosecution to prove, just as they proved that the thumb mark was not that of Muninanjappa's, that the thumb mark of Lakshmamma was not hers. To an ordinary observer with the help of a magnifying glass it becomes clear that the thumb marks found in Exhibit P26 and P157(*g*) must be that of Lakshmamma, if they are compared with those found with the admitted thumb marks in the documents referred to above. The ridges found in every one of them are all alike and they have got a similar angle in all the thumb impressions I have referred to above. The central portion of the thumb also is identical in each of these and I have no reason to differ from Mr. T. M. S. Subrahmanyam when he states that it is the thumb mark of Lakshmamma though in the case of Muninanjappa it proved otherwise. It is possible, as I have stated above, though I cannot assert as a fact, that Muninanjappa must have put his right thumb mark.

122. It was also argued that the bank in collusion with A5 substituted this finger print card subsequently after A5 became the legal adviser of the Bank in order to harass Lakshmamma. I cannot see in what way the Bank could have harassed Lakshmamma by substituting a new finger print card. The Bank itself was taking a considerable risk in doing so and there is nothing to show that A5 who was only a legal adviser exercised such an influence over the Bank authorities as to get a new finger print card substituted in place of an existing one. As a matter of fact, long before this murder was committed the Bank had not in any way made use of this finger print card to harass Lakshmamma when they returned the fixed deposit amounts to the tune of Rs. 85,000. The only way they could have harassed was to take her thumb impression at the time she withdrew the money and comparing it with those found in Exhibit P26 refuse payment on the ground that the thumb mark of Lakshmamma did not agree with those found in Exhibit P26. But this pretext could have been a very trivial and a lame one. Lakshmamma could still have established her identity by producing some witnesses or by appearing herself in person and claiming the money. The Bank must have acted on the assumption that the thumb mark of Lakshmamma found in Exhibit P26 was hers and there was no occasion for them to think of Muninanjappa's thumb mark as by the time the amounts were returned Muninanjappa was no more. It is a very serious allegation to make against the Bank that they substituted a card in collusion with A5.

123. In order to show that this finger print card was substituted recently the learned Public Prosecutor got about 24 other specimen signature cards found in the Bank and containing the thumb impressions of various illiterate depositors. It was suggested that the card containing Exhibit P26 was purposely got printed without the name of the printer in order to hide the fact that it was subsequently substituted. I have compared this specimen signature card Exhibit P26 with the other 24 specimen signature cards Exhibit P202 series and I find that out of those 24 specimen signature cards 16 of them do not contain the name of the printer or the year of printing. One of the cards is of the year 1927 and it does not bear the name of the printer or the date of printing. Only eight of them contain the names of the printers and the years of printing, as 'T. M. A. G. & Co., 1929' and 'Bangalore Press, 1930.' One of the finger print cards bearing the date a week earlier than that of Exhibit P26, *viz.*, 3rd December 1934 as per Exhibit P202(24) also does not contain either the name of the printer or the year of the printing. If we compare the types of print found in Exhibit P202(24) with those found in Exhibit P26, it will be found that the prints are identical and the cards are of the same size and the printed lines found in it are all alike. There is complete identity with regard to these two cards. It was also suggested that Exhibit P26 was looking like a brand new card. There are many cards in this Exhibit P202 series which look even fresher than Exhibit P26 though they came to the Bank some years earlier. The freshness is due to the fact that they are preserved better. Again, if we compare Exhibit P202(23) with P26 we arrive at the same conclusion. We find on the thumb marks of Lakshmamma in Exhibit P26(*b*) the cross lines running parallel. They are very clearly visible as they are in the admitted thumb impressions. I, therefore, am convinced that the thumb mark found in Exhibit P157(*g*) in the will is that of Lakshmamma's. That Lakshmamma put her thumb mark is spoken to by Ramachandra Rao, Venkataswamy and Hosakote Nanjundappa and as a matter of fact, the prosecution claimed Hosakote Nanjundappa as one of their witnesses in the charge-sheet though they did not examine him on their side.

124. A number of questions were put to Mr. Peradon, the Manager of the Bank of Mysore, in the witness box to ascertain from him when these specimen signature cards were printed and the charges paid for printing them. He was also given time to produce the bills for the charges paid and he was not able to produce them. The learned Public Prosecutor even argued that the Police could have taken a search warrant to search the Bank for the accounts connected with the printing of these specimen signature cards but they desisted from doing so as they thought it would dislocate the transactions of the Bank for a considerable period of time. It is not for me to say whether if they had adopted that course they would have been justified in doing so. After all, what interest the Bank had in substituting the specimen signature card is not clear and if the object was only to harass Lakshmamma, their object could not have been achieved at all. It is too much to say that the responsible authorities of the Bank could play in the hands of A5, who was only one of their Officers and who had nothing to do with the internal working of the Bank. If Mr. T. M. S. Subrahmanyam did not exercise proper vigilance in taking the left hand thumb mark of Muninanjappa in Exhibit P26(*a*), it does not follow therefrom that there has been a substitution of the specimen signature card. It is not also clear why the prosecution wanted this Exhibit P26 as an Exhibit in the case.

125. I now come to consider whether Gurumurthy has or has not attested the will Exhibit P157. Of course, the above said witnesses swear to the fact that Guru Murthy has attested it. But the latter denies it. The admitted signatures of Guru Murthy are found in Exhibits P8 to P16, the chellans for depositing the money in the Mysore Bank for Fixed Deposits and there is also his admitted signature in Exhibit P82 and the whole of Exhibit P82 also is in his writing. If we compare the admitted signature of Guru Murthy in the above documents with that found in Exhibit P157 it appears to be quite identical and all these signatures appear to be from the same hand. The signatures found in Exhibits P8 to P16 were made at about the same time or two months earlier than the date of the will and there is a marked similarity between those signatures and that found in Exhibit P127(*h*). It was up to the prosecution to prove that the alleged signatures of Gurumurthy in Exhibit P157 was not that of Guru Murthy's and that that also had been forged and that Lakshmamma's thumb impression found in the will was not hers and that also had been forged. Guru Murthy admitted in the lower Court that the alleged signature of his in the will looked like his. But in this Court he does not admit even that much. Even to the naked eye the identity of the signatures becomes very clear and his denial is not enough to disprove his signature.

126. Hoskote Nanjundappa and Balakrishna Mudaliar appeared to be quite respectable persons and when they were frequenting the house of Muninanjappa there is nothing improbable in their having attested the will executed by Muninanjappa. The prosecution, during the course of the arguments by the learned Public Prosecutor admitted that Balakrishna Mudaliar was a respectable person and to me also he appears to speak the truth. He has stated facts as they have happened and he has also stated that when Muninanjappa signed the will he was not there and that he made enquiries before attesting the will. If he was a false witness, he could have easily said that he was present throughout. So the oral evidence adduced by the prosecution by examining Ramachandra Rao, writer of the will, and the three attestors on the defence side prove to my mind that the will could not have been a forgery as contended by the prosecution. There would have been a very strong ground for the prosecution if they had established that the thumb mark of Lakshmamma found in Exhibit P157 was not actually that of Lakshmamma's. Lakshmamma was not even put a question as to whether she had attested the will with her thumb mark when she was examined in the witness box.

127. In her written statement in O. S. 38-39, before the District Judge, Civil & Military Station, Lakshmamma states that A1 had been asserting that her thumb marks were found in the will and that if at all it has found a place in the will, her thumb marks must have found their way in the will when the petitioner and A5 took her thumb impressions after her husband's death to a number of papers representing that they were required for Civil & Military Station Court cases pending against Muninanjappa after his death. She also states therein that her illiteracy and her implicit confidence in her son, *viz.*, A1 and her helpless position had been exploited by the said A1, A5 and Venkataswamy not only for the fabrication of the will in

dispute but also for trying to create evidence against her in support of the will and that the will is the outcome of gross breach of faith on the part of the propounders. Her statement is Exhibit P233. In her evidence before this Court, she has not made any such averment and she has not been even asked about her thumb marks. On the other hand, Lakshmamma and her son-in-law Gurumurthy contended that for 15 days before his death, Muninanjappa was unconscious. As I have already stated above, Lakshmamma once stated to Mr. Suryaprakash that for three or four days before his death Muninanjappa was unconscious and to support the prosecution story, this theory of 15 days' unconsciousness has been put up.

128. Lakshmamma appears to be a woman of a masterful personality and she is not likely to be beguiled by getting her thumb marks when she was unawares. She states that she was managing the properties of her husband even during his life-time and she has been fighting in the Court so much all these years and she is not a person who could easily put her thumb mark to any paper brought by A1 and A5. And as a matter of fact she speaks to her having put thumb marks during her bereavement to some papers after her husband's death but there is nothing to indicate that within that period to what papers she put her thumb mark. In fact her statement Exhibit P233 shows that she believed at that time that the will was fabricated after the death of her husband. Nowhere has she asserted in all these proceedings which are going on for the last five years that the will contained the thumb marks of Muninanjappa but that they were taken when he was unconscious and she has not also asserted that the will did not contain her thumb mark.

129. She has also stated that for 15 days before Muninanjappa's death, one Doctor Shankara Rao who was attending on him ceased to give him any medicine. If he was so unconscious for 15 days and if Shankara Rao had thought that there was no remedy for Muninanjappa's illness and that no medicine could work on him, how comes it that even the day before his death Dr. S. Subba Rao, the most eminent Surgeon and Chief Officer of the Mysore Medical Department was called in on the 7th of January 1935. He has been examined as a witness and though he is not able to tell us what the condition of Muninanjappa was at the time he examined him, he states he prescribed a medicine for strengthening the heart and for secretion of the urine. The fact that even on the 7th the life was not despaired of and that a Doctor was called in to see if Muninanjappa can be improved shows that he could not have been unconscious for 15 days before his death. If all hopes had been given up 15 days earlier where was the need to call in a Doctor at the last moment?

130. Another attestor of the will, Anugondanahalli Narasimhaiah, has not been examined in this case. But it is admitted by Guru Murthy in the lower Court that he was treating his father-in-law though he denies it in this court. Lakshmamma and Gurumurthy have not spoken the entire truth. Maistry Pilliah is no other than the father of Gurumurthy and the step-brother of Lakshmamma. Both of them admit that Maistry Pilliah was frequenting the house of Muninanjappa when the latter was ill. But Kodandarama Reddy does not even admit it but states that on account of certain quarrel he never visited their house. Strangely enough, Gurumurthy states that he does not know the signature of his father. As a brother-in-law of the deceased, there is nothing improbable in Pilliah having attested the will. Hosakote Nanjundappa states that four of the house-hold and four strangers were told to attest the will by Muninanjappa and this accounts for the signatures of the attestors of the four house-hold people, *viz.*, A1, Gurumurthy, Lakshmamma and Maistry Pilliah. A1 even to-day contends that the will is a genuine one and on that basis he was fighting the litigation in the several courts. Mr. M. P. Somasekhara Rao states that A1 was anxious to prove the genuineness of the will and he was always insisting that this point should be settled. It was Mr. M. Krishna Murthy that told the court in Mis. 67/35-36 that it was unnecessary in that case to consider the genuineness of the will. Even if we look into the intrinsic merits of the will, there is nothing which would suggest that the will is a forgery. For instance, the 1st accused is advised to be under the guidance of his mother in carrying out her wishes and in managing the family properties. Again, there is also a recital that as the 1st accused had married two wives, he should have two shares in the property. There is nothing improbable in the version that the 1st accused, who is a grown-up man and who had a bigger family than the rest

and who is the eldest son should have a double share not in all the properties but in some. And with regard to the fixed deposits of Rs. 85,000 in the Bank, the original intentions of both Muninanjappa and Lakshmamma have been strictly carried out in the will except that out of Rs. 10,000 in the name of Lakshmamma, Rs. 8,000 had to be given to Lakshmamma for her life interest and that after her death Rs. 8,000 had to be distributed between her other two children and A1 had nothing to get out of that sum. Since monies had been deposited in the names of the other eight children, Muninanjappa, who had about Rs. 17,000 and odd in the Bangalore Bank has willed away this sum to A1. The fact that though he had this sum of Rs. 17,000 in the Bank when he withdrew Rs. 82,000 and deposited it in the name of his wife and eight children shows that he may have intended to give this sum to A1. Even in this there is nothing improbable. As a matter of fact, on the very next day the Bank has been written to under the thumb impression of Muninanjappa and the Bank has transferred the amounts standing in the name of Muninanjappa to A1 and has given intimation both to Muninanjappa and A1 on the day Muninanjappa died.

131. Subsequently in the year 1937 the Bank has transferred the shares standing in the name of Muninanjappa to A1 at the desire of Muninanjappa. Though the prosecution have let in a lot of evidence on these matters, I do not wish to discuss them at great length as they are not very material for arriving at the conclusion whether the will is a forged one or not. Again, on the next day in pursuance of the will, Rs. 30,000 worth of treasury bonds had been transferred to the name of A1 under the thumb impression of Muninanjappa on 6th January 1935. This has been attested by D. W. 1 Gundappa, an Honorary Magistrate and after attestation these bonds were returned to Lakshmamma to be kept in her possession. Exhibit P96 series are the 18 treasury bonds referred to above. It is not disputed that these contained the thumb impression of Muninanjappa. Neither is it denied that the three letters written to the Bangalore Bank as per Exhibits P182 to P184 and Exhibit P168 contain his thumb impressions.

132. Exhibit P182 shows that amount standing in the name of the minor son Kodandarama Reddy in Savings Bank account should be transferred to the name of the 1st accused. This has been attested with the left hand thumb impression of Muninanjappa and witnessed by D. W. 1 Gundappa. In accordance with this letter, the Bank transferred Rs. 5,151-2-0 to the name of the 1st accused. As per Exhibit P 183 the amount of Rs. 2,689-12-8 standing in the current account of Muninanjappa was transferred to the name of the 1st accused and similarly the amount standing in the Savings Bank account of Muninanjappa was transferred to the name of A1. All these three have been witnessed by D. W. 1 Gundappa, who was then an Hon. Bench Magistrate in C. & M. Station. The amount standing in the Savings Bank account was Rs. 9.977-13-10. One hundred shares standing in the name of Muninanjappa and 55 shares standing in the name of Muninanjappa and Lakshmamma were also required to be transferred to the name of A1 in accordance with the letter of Muninanjappa as per Exhibit P 166. All these four letters are in pursuance of the will Ext. P 157. The date '6th January 1935' is found in all these four letters. It was first dated 5th January 1935 and altered to 6th January 1935 as can be seen there. My own impression is that these letters must have been written on the 5th and later on altered to 6th as the Hon. Magistrate witnessed them on the 6th January 1935. Gundappa deposes that Muninanjappa put his thumb mark before him and that he attested it as a witness. Similarly the 18 bonds (Ext. P 96 series) have been attested on the 6th with the thumb mark of Muninanjappa endorsing it over to A1 and this also has been attested by Gundappa. Gundappa is no doubt a man who has many decrees against him. But he has certain properties also. That by itself cannot be a sufficient ground to impeach his veracity. As a matter of fact, he has no motive to side A1 and get up thumb impressions at a time when Muninanjappa was unconscious. There is nothing to indicate that he is in any way interested in A1 or that he had any gratification for doing things on behalf of A1. If really Muninanjappa was unconscious and if this witness had joined A1 in attesting these, he would equally be liable for forgery, and it is a point for consideration whether Gundappa would have taken that risk with a view to help A1 for nothing and I have carefully read his evidence and there is nothing to indicate that there is any male fides in his attestation of these documents and he is positive that Muninanjappa was quite

conscious when he attested these documents and before him Munindanjappa put his thumb marks.

133. The endorsements on the bonds and these letters clearly indicate that the will was intended to be given effect to and that probably in order to avoid the death duties these transactions must have taken place even when Munindanjappa was alive and in pursuance of his will. We see in one or two of the bonds that Munindanjappa had already transferred some of them over to the name of A1 and had got them retransferred to his name.

134. It was contended by the prosecution that Munindanjappa would never have thought of bequeathing Rs. 30,000 to charities. From the evidence of P. W. 64, Nanjappa Reddy, it becomes clear that Munindanjappa was of a religious bent of mind and that he was feeding people at the time of Someswara Car Festival and that he was performing Rama Navami on an elaborate scale. The causes for which he has set apart Rs. 30,000 are for the same purposes and for feeding five poor Sadhus and for feeding helpless Hindu students.

135. It is seen that altogether 31 thumb impressions have been taken, nine with regard to the will, 18 with regard to the bonds and four with regard to Exhibits P166 and P182 to P184. Could it be possible for A1 and A5 without the knowledge of any one at home to take these 31 thumb impressions when Munindanjappa was unconscious? I should think that it would take at least about half an hour to take these thumb impressions and the household people could not have been absent from Munindanjappa's bedside for all this period. Lakshmamma states that she used to be with Munindanjappa all the 24 hours of the day except when she was pressed to go out to answer calls of nature or for food. Moreover, it is found that the thumb marks in the will have been attested by K. V. Ramachandra Rao, P. W. 72, whereas the thumb marks in other documents referred to above have been attested by some other person and unfortunately we do not find the name of the person that has attested these thumb marks. It is alleged by the defence that Gurumurthy has done that in the case of bonds, Ext. P 96 series; but Gurumurthy denies having done so. The writing in these endorsements on the bonds resemble very closely the writing of Gurumurthy found in Ext. P 82.

136. These transactions with the Bangalore Bank and the transfer of the various accounts from the name of Munindanjappa to A 1 have not been questioned by Lakshmamma till now and even with regard to the bonds she has not taken any action. The bonds were admittedly with her even with the endorsements of Munindanjappa transferring them to A 1 and I cannot believe that she was not aware of the endorsements as she had the help of Gurumurthy all along and she must have known what the endorsements on the bonds were. Lakshmamma must have known the existence of the will at about six weeks after her husband's death and she has not chosen to impeach this till July 1935.

137. One curious conduct of Gurumurthy is this. When Mr. Suryaprakas was told that Gurumurthy and Lakshmamma attested the will and when Mr. Suryaprakas flared up against him why he did not inform him of this as stated by Mr. Ahobalanath, Gurumurty swooned. This conduct shows that when Gurumurthy confronted with what he had done he got nervous and this swooning must be due to his nervousness and exposure.

138. Again, it was suggested by the prosecution that as the will was a forged one, A 5 was afraid to produce copies of the will to any one and that even when he filed Mis. 67—35-36 he delayed producing the copy of the will. In his letter dated 28th May 1935, to the Bank as per Ext. P 27, the first accused has made a reference to the will of his father and the 5th accused in his letter dated 5th November 1935, as per Ext. P 36, has also referred to it and the Bank's clerk P. W. 25, G. Sreenivasa Iyengar has made an endorsement on Ext. P 38 that a copy of the will had been received along with the letter of A 5 and, as I have already stated above, the 5th accused had sent a copy of the will to the 1st accused and another copy to Mr. Suryaprakash. When Mis. 67 of 35-36 was filed, there was no doubt a recital in the petition itself that a copy of the will had been produced. It is possible, as has been observed by the learned Judge in the application under the Legal Practitioners' Act against the 5th accused, that it might be due to an oversight that the copy was not produced. When A 1 and A 5 had the courage to file the application, their courage could not fail when they had to produce a copy of the will. It was on the assumption that there was a will that Mis. 67—35-36 was

filed and the correspondence with the Bank went on and even prohibitory orders to the Bank were issued and a copy of the will was produced to the court on 25th March 1936 and the original will has been produced on 4th March 1937. The mere delay in filing a copy to the court or in filing the original cannot lead one to believe that the will was a suspicious document and that A 1 and A 5 were afraid to produce the will or its copy to the court. When, according to the letter of A 5, a copy had been given to Mr. Suryaprakas as per Ext. D 8, there cannot be any motive in keeping back either the original will or its copy from their production to court. The Bank itself had received a copy on 5th November 1935. Mr. B. Vasudeva Murthy had apparently seen the copy.

139. The Bank clerks G. Srinivasa Iyengar, P. W. 25 and P. W. 27, V. V. Sreenivasa Iyengar, though examined by the prosecution have been treated practically as hostile though not called hostile and their examination-in-chief shows that the Bank had no motive in getting a copy of the will and taking extracts of the will as per Ext. P 77. Of course, these two clerks cannot be expected to know when actually a copy of the will was received and when they made extracts of it. At that time apparently they did not know that this will would be impugned in a court of law and they should have made extracts of this in the usual course of business as per Ext. P 77. G. Sreenivasa Iyengar further states that he made an extract of the will from the copy Ext. D 1, which has been subsequently produced to court, and that after making the extract so far as it related to the Bank transactions, the copy was returned to A 5.

140. That a copy of the will had been produced to the Bank on or about 5th November 1935 cannot be disputed as Mr. B. Vasudeva Murthy has referred to the will and has commented upon it in his letter to A 5. It was commented upon by the prosecution that the Bank had not kept a register to show when they received a copy of the will and when they returned it and why it was returned. It is unnecessary for me to consider that aspect of the case as the Bank is not a party to this trial. The Bank may not have considered it necessary to note the receipt of copies which are eventually returned to the party. They say that if an original will is produced, they would register it in a register and I cannot draw any adverse inference from the fact that they did not register a copy of the will. The copy cannot have come into the Bank after A 5 became the legal adviser on 1st of July 1937. By that time A 5 had ceased to appear for A 1 and there was no motive for him to introduce a copy of the will in the Bank files. And moreover, G. Sreenivasa Iyengar states that a copy of the will was made out of Ext. D 1, which was filed in court on 25th March 1936. A reference to the copy of the will is already found in Mr. B. Vasudeva Murthy's letter as I have already stated above. Though Mr. M. Krishna Murthy reiterated in his statement in Mis. 191—38-39, that a copy of the will was not produced, the objection statement filed by A 5 in that case in paragraph 7 shows that a true copy of the will was furnished by him on 24th September 1935 both to A 1 and to Lakshmamma. As a matter of fact, as per Ext. D 17 and D 72 copy had been given to Mr. Suryaprakas and not directly to Mrs. Lakshmamma. No adverse inference can, therefore, be drawn on the ground that a copy of the will was produced late in Mis. 67—35-36.

141. Another strong circumstance against the prosecution as regards the will is the proceedings in O. S. 22—34 on the file of the District Judge, Civil and Military Station. That was a suit filed by P. W. 77, Mr. T. D. M. Fernandez, against the first accused and his father Muninanjappa on 9th August 1934 for recovery of possession of certain property and for a permanent injunction and for damages. A 5 appeared along with Mr. F. M. Xavier, P. W. 78 for A 1 and Muninanjappa. Mr. J. L. D'Silva, P. W. 76, appeared for the plaintiff Mr. Fernandez. Both Muninanjappa and A 1 filed their written statements through A 5 and Mr. Xavier. During the pendency of these proceedings, Muninanjappa died and his legal representative had to be brought on record. Mr. Fernandez filed an application as per Ext. P 190 on 14th February 1935 supported by an affidavit stating that Muninanjappa was dead and that he had left the second defendant, *viz.*, A 1 as his only legal representative and that A 1 should be brought on record as the legal representative of Muninanjappa.

142. On the 11th of March 1935, Mr. D'Silva filed an application stating that the plaintiff Mr. Fernandez had already filed an application to bring the second defendant as the legal representative of Muninanjappa and that subsequent

to his filing the application he was informed by the second defendant, *viz.*, A 1, that the deceased Munindanjappa had left a will appointing himself and the widow of the deceased—Mrs. Lakshmamma as executors and that both these should be brought on record as the legal representatives of Munindanjappa and that he should be permitted to amend the application filed on 14th February 1935. This application is Ext. D 22. In pursuance of this application notice was issued to Lakshmamma returnable by 6th April 1935. On that day there is a note saying that Lakshmamma was served personally. The Judge has noted "Consents, implead". It is thus clear that Lakshmamma was served in person with the legal representatives's notice and that she consented to act as legal representative of Munindanjappa and that she was therefore impleaded as a defendant in the suit.

143. Lakshmamma could not have consented to be the legal representative unless it be as a co-executor under the will of Munindanjappa. Eventually there was a decree in the case and subsequent to the decree Mr. Fernandez executed the decree both against A1 and Lakshmamma as stated by Mr. D'Silva. In that execution they attached the properties belonging to Mr. Munindanjappa in Richmond Town and that when it was put up for sale, A1 paid Rs. 1,000 and got the sale stayed and for the balance of amount due under the decree, Mr. D'Silva says, they attached the rent due from certain houses in Tasker Town and got the decree satisfied. It is idle to contend that Lakshmamma, who says she was managing the properties left by her husband, did not know the attachment or the intended sale of the properties and the attachment of rent.

144. Mr. D'Silva further states that Lakshmamma did not file any objections to her being brought on record in her capacity as a co-executor. Unfortunately the notice that was issued to her has been destroyed according to the rules with regard to the destruction of records. If that notice was available, that would have given us even better evidence on this point.

145. It is further argued that Venkataswamy and A5 were the debtors of Munindanjappa and that he could not have appointed them as trustees. Because the deceased had confidence in them he may have lent money to them and Venkataswamy states that his debt had been discharged long back. With regard to the debt due by A5, there is no evidence to show whether it is still due or not due. A5 was a lawyer apparently for Munindanjappa and there is nothing improper in Munindanjappa having consulted A5 with regard to the drafting of the will.

146. Moreover, even without the will A1 would have been in a better position to succeed to the properties of his father and to manage them. Lakshmamma could certainly have no right to manage the properties or succeed to her husband's properties and the will is certainly a restriction placed on the management of properties by A1, who was the only adult male member of the family at the time of his father's death. The family was admittedly a joint Hindu family and A1 had considerable rights over the properties of his father as manager. It is not clear why he should restrict his rights under the will by getting up a will. Probably Munindanjappa thought that A1 may not be able to manage the properties prudently and he may have left the will appointing both the son and the widow as co-executors to manage the property. It is not known under what circumstances Mr. Krishna Murthy was convinced that the will was a forgery and was prosecuting the cases with all the bitterness he could command both against A1 and A5. As I have already stated above, Krishna Murthy in these particular cases took more than a professional interest and was helping Lakshmamma with funds whenever she needed money. Mr. P. Bheema Rao and other witnesses say that Mr. Krishna Murthy had the most bitter feelings against A5. It is the impression that the will was forgery that the bitter feelings must have been roused in his mind. Lakshmamma must have given him some instructions to conclusively prove that the will was a forgery and what those instructions are, we cannot now guess. There is no doubt that Mr. Krishna Murthy honestly believed that the will was a spurious one but we do not know on what grounds. Probably if the alleged thumb mark of Lakshmamma in the will and the hand-writing of Gurumurthy had been compared earlier, this incident of murder may not have occurred at all. It was upto Lakshmamma to have mentioned the circumstances under which she might have at all put her thumb mark to this will as stated in her written statement in the cantonment court and if probably Mr. Krishna Murthy had not taken more than a professional interest and had treated these cases like any other cases on his file,

his unfortunate death under these tragic circumstances may not have occurred at all. But from a consideration of the above circumstances and from the evidence that the prosecution have placed in this court, I cannot hold that the will has been proved to be a forgery. It is not for me to consider what effect the will has with regard to the rights created under it.

147. Ther is nothing to indicate that Muninanjappa did not know by his unsoundness of mind what he was doing when he put his thumb marks to the will. It was embarrassing for me to give a decision with regard to the forgery of the will as a principal motive for this case as there is a case waiting trial on this identical point against the 5th accused. But the learned Public Prosecutor requested the court more than once that a finding with regard to forgery is essential as regards the motive and that a finding was required in this case alone. This finding will certainly embarrass the trial in the other case. But as a lot of evidence has been adduced in this case and as I am asked to give a finding, I have no alternative but to give a finding on this point.

148. If the 1st accused had known that the will was a forgery and got up at the instance of A5, either in his written statement filed in this court or in the confession statement he could have said so. Even now he is also contending that the will is a genuine one. Taking all these circumstances into consideration, I have given the above finding.

149. When the forgery of the will which was urged as a motive is not proved, it must follow that the motive attributed to A5 for abetting the murder is not existing. Motive is certainly not necessary to commit a crime. I have got now to consider whether the alleged abetment of murder and abduction by A5 is true.

150. In the charge-sheet placed in the lower court the 5th accused also was charged with the offences under Sections 302, 364, 341, 342, 465 and 201 of I.P.C. The Committal court also charged the 5th accused for offences under Section 302 read with Section 34 of I. P. C. and with Section 302 read with Section 364 of I. P. C. He was further charged for offences under Section 364 read with Section 109 of I. P. C. and Section 302 read with Section 109 of I. P. C. along with certain offences connected with forgery.

151. Before the commencement of this trial, the learned Public Prosecutor moved the court for amendment of the charges against A5 to abetment of offences under Sections 302 and 364 of I. P. C. We thus see that the 5th accused was actually charged with murder and abduction in the first instance and now charged only with abetment of those offences.

'Abetment' according to Section 107 of I. P. C. can be done in any of the following ways:—

Firstly instigating any person to do a particular thing;

Secondly engaging with one or more other persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; and

Thirdly intentionally aids, by an act or illegal omission the doing of that thing.

The learned Public Prosecutor urged that the act of the 5tn accusea comes under all the three ways mentioned above within the meaning of Section 107 of I. P. C.

152. The word 'aid' has been explained in explanation (1) of Section 107. According to that explanation, a person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing. And 'aid' has been explained in explanation (2) as "whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act."

153. According to clause 2 of Section 107, there ought to be a conspiracy with one or more persons for the doing of that thing, conspiracy by the abettor with one or more persons for the doing of a certain thing and in pursuance of which an act or illegal omission takes place in order to the doing of that thing. Can we say there is any such conspiracy? No such conspiracy has been proved.

154. Under Clause 3 of Section 107 it is said that the intention should be to aid the commission of a crime. Abetment involves active complicity on the

part of the abettor at a point of time prior to the actual commission of the offence and it is of the essence of the crime of abetment that the abettor should substantially assist the principal culprit towards the commission of the offence. A mere giving of an aid will not make the act an abetment of an offence, if the person who gave the aid did not know that an offence was being committed or contemplated. The intention should be to aid an offence or to facilitate the commission of an offence (See 47 All. 268). This aiding must be either prior to or at the time of the commission of an act and this involves the doing of anything in order to facilitate the commission of that act and facilitates the commission thereof. In order to constitute an instigation as stated above, there must be a wilful misrepresentation or a wilful concealment of a material fact which the abettor is bound to disclose. There is no such wilful concealment or misrepresentation by A5 according to the evidence of the prosecution. In the instigation, the essential facts are a misrepresentation or a wilful concealment of a material fact or under clause 2 there must be a conspiracy. If at all abetment alleged by the prosecution could come under the clause, *viz.*, abetment by aid, and, as I have already stated above, by aid the intention should be to aid the commission of the crime.

155. In order to prove the aid said to have been tendered by A5, the prosecution allege that on the morning of the 2nd March 1940 and in the afternoon of the same date A1 and A5 met and in that meeting A5 aided A1.

156. Before discussing the effect of those two meetings, I should like to dispose of the reasons which prompted A5 to abet A1 to do away with Krishna Murthy. They are that there was ill-feelings between A5 and the deceased Krishna Murthy and that A5 wanted to evade the cross-examination on the 4th of March 1940 by Mr. Krishna Murthy in the case pending before the District Judge regarding the grant of a probate to the will of Munindanjappa.

157. The prosecution allege that the learned District Judge had granted a final opportunity to the parties in O. S. 38—39 to prove the will. The parties were not diligent in taking steps. The learned District Judge, as stated by his Bench Clerk, P.W. 103, Ganapathi Sharma, had received an anonymous petition stating that there was delay in the disposal of the case before him and that though he deprecated that petition he wanted the parties to be finally ready and gave them a final chance to be ready by 4th March 1940. On that day, it is urged by the prosecution, that the 5th accused had to be examined as a witness for the plaintiff Narayana Reddy in that suit by reference to the will and the 5th accused, according to prosecution, had been summoned to give evidence and to produce the will. But if we read the evidence of Mr. Sharma and of Mr. Narasiah who appeared for the plaintiff in that suit, it will be seen that no steps were at all taken for the 4th March to summon A5 either to appear to give evidence or to produce the will. As I have already pointed out above, A5 was once summoned to give evidence in the case but the later hearings on 26th February 1940 and 4th March 1940 were intended only to cause the production of the will by A5. For certain reasons no summons was issued to A5 even to cause the production of the will. Mr. Narasiah, P.W. 104, is positive that A5 was summoned for hearings previous to 4th March 1940 only for production of the will and not for giving evidence. Mr. Narasiah states that he knew at that time that the will had been produced in court and that it was not with A5. In order to enable A5 to file an application to the court in which the will was pending and to take it back if that court permitted and to produce it to court in Civil & Military Station, summonses were taken to him. On 13th February 1940 both advocates represented before the learned District Judge, Civil and Military Station, that the will was the most important document in the case and that the will was filed in the City Court and the case could not, therefore, be proceeded with and on that day the Judge passed an order stating that 'at the request of parties to cause the will to be produced to court through a court official adjourned to 14th February 1940'. Then a letter of request was sent to the City Court as per Ext. P236 but unfortunately that letter did not elicit any reply from the City Court. The case was then adjourned from 14th February 1940 to 26th February 1940 and from that date to 4th March 1940. P.W. 103 admits that no summons was asked for or issued to A5 to give evidence. Ext. P. 147 is the letter sent by the District Judge, Civil & Military Station, to the Additional District Judge, Bangalore City, requesting him to cause the production

of the will through some responsible official of the court on the 26th February 1940. That letter must have been received rather late and I find there is a note by the Judge saying that a reply may be sent stating that the rules do not permit him to send the will as suggested. The office does not seem to have sent any reply in accordance with the instructions of the Judge. So, by 4th March 1940 no will had been produced to the Civil and Military Station court and the order of the Judge refusing to send the will was itself passed on 6th March 1940. So, there was no need for A5 to appear in court on 4th March 1940 or to produce the will and as a matter of fact he could not have produced the will as the will was not with him. Only once the summons had been served on his office and not on him personally and for subsequent hearings there was no call for him to go and depose. So, on 4th March 1940 A5 was not under any obligation to attend the court and he could not therefore have persuaded A1 to do away with Krishna Murthy as there was no chance of his being cross-examined by Krishna Murthy and the consequens exposure of forgery. It was not the first time for the 5th accused to appear at a witness for and on behalf of A1 to speak to the execution of the will. He had already been summoned in O. S. 11—37-38 as well as in O. S. No. 10—39-40. He had appeared in court twice on the dates of hearing in those two cases as spoken to by Mr. M.P. Somasekhara Rao and he was ever ready and willing to be examined with regard to the will. A5 could not therefore apprehend anything afresh on 4th March 1940 when Krishna Murthy has had many opportunities of cross-examining him in the City Courts though as a matter of fact no cross-examination took place, as the cases were adjourned for some reason or other.

158. As I have already stated, since the forgery is not proved A5 could not have been afraid to face the cross-examination of Mr. Krishna Murthy. It is a weak argument to suggest that because A5 was afraid of the cross-examination of Krishna Murthy he got him out of the way. If Mr. Krishna Murthy disappeared from this world and failed to cross-examine A5, some other person would take his place and he would be in an equally good position to cross-examine A5. After all the instructions had to be given only by Lakshmamma and the counsel was acting only for and on behalf of Lakshmamma under her instructions.

159. It was next suggested that there were bitter feelings between A1 and A5 and that was one of the reasons why A5 wanted to get rid of Krishna Murthy. The state of feelings between these two have been spoken to by a number of witnesses.

160. P. W. 80, Mr. G. Muddappa, who was a junior under Mr. Krishna Murthy for some time, states that he knew that there were bitter feelings between Krishna Murthy and A5. He admits that he did not gather anything from A5 to show what feelings he had towards Mr. Krishna Murthy and that he speaks only to the feeling the latter had towards A5 and that he was noticing the animosity between the two, when A5 and Krishna Murthy appeared on opposite sides in certain cases. He admits that from mere fighting in Court alone he cannot infer any bitterness.

161. P.W. 83, Mr. G. K. Raghavendra Rao, has been working with Mr. M. Krishna Murthy from 1933 and he also states that the feelings between the deceased and A5 were bitter and that both of them were not liking each other. And even according to him, the bitter feelings between the two he inferred only from the conversation he had with the deceased and also from the observations he made in the behaviour of A5, and that he had nothing else to show the feelings between the two.

162. P.W. 84, Mr. D. Shama Rao, states similarly and he adds that they were even hating each other and that this feeling continued down to the death of Mr. Krishna Murthy. He states that he knows the feelings from what he has observed and from what he has heard from both and that both Krishna Murthy and the 5th accused were each bitterly complaining to him against each other and that both of them were his friends and that they complained to him also with regard to the professional conduct of both in regard to the cases arising out of the will of Muninanjappa.

163. Mr. P. Bheema Rao, P. W. 70, is another advocate who was working with Mr. Krishna Murthy for some time and his evidence is also similar and he infers the bitter feeling between the two on account of the vehemence with which A5 cross-examined the deceased Mr. Krishna Murthy once in a certain small cause

suit. According to this witness, A5 approached him in about December 1939 with a view to requesting him to speak to Mr. Krishna Murthy and bring about a compromise between A1 and his mother and complained that Krishna Murthy was unnecessarily grinding his axe against him. This witness seems to have told A5 that there was no use of interfering as Krishna Murthy was adamant and was determined to expose him.

164. It is possible because Krishna Murthy showed bitter feelings towards A5, A5 cannot certainly have a very kind feeling towards him. But there is nothing to indicate that A5 had a similar bitter feeling towards Krishna Murthy and that feeling was such as would induce A5 to do away with Krishna Murthy. After all, this ill-feeling is a double edged weapon and it may be used both for and against A5, see A. I. R. 1933 Oudh 373 and 457. It is possible that because there was this ill-feeling between the two, the prosecution may have come to the conclusion that the 5th accused had a hand in this murder and abduction of Krishna Murthy and unless the abetment has positively proved the murder, bitter feelings between the two will not help the prosecution.

165. It was even suggested by the prosecution that A5 and Mr. C. V. Narasimhiengar (his uncle) and Mr. B. T. Ramaswami, the son-in-law of Mr. C. V. Narasimhiengar, were all working together in one office and that Mr. Krishna Murthy entertained ill-feelings against all the three and that Mr. Krishna Murthy had even filed an application under Section 11 (b) and (f) of the Mysore Legal Practitioners' Act against Mr. B. T. Ramaswami. Mr. Krishna Murthy himself was the petitioner in this case, *i.e.*, C. P. 105—38-39 on the file of the High Court, and while that application was pending, Mr. B. T. Ramaswami tendered an apology and the High Court accepted the apology and dismissed that petition. There were also two regular appeals, R. A. 46 and 71 of 1937-38 in the High Court, against the order of the District Judge under which Mr. C. V. Narasimhiengar was directed to deposit some amount in Court for payment to one of the clients of Mr. Krishna Murthy. Mr. C. V. Narasimhiengar himself was the appellant in those two cases and the respondent was represented by Mr. Krishna Murthy. Mr. C. V. Narasimhiengar (P. W. 90) states that he succeeded in those two cases in the High Court. On the ground that A5 and Mr. C. V. Narasimhiengar and Mr. B. T. Ramaswami were relations and A5 was interested in them and as Krishna Murthy bore ill-will against them also, the prosecution allege, A5 wreaked his vengeance against Mr. Krishna Murthy by getting him murdered. I do not think there is any evidence to connect the ill-feelings between Mr. Krishna Murthy and C. V. Narasimhiengar and B. T. Ramaswami with A5 and even granting that there were such feelings, they have existed from a long time and A5 could not think on 2nd March 1940 to do away with Krishna Murthy.

166. The actual abetment by A5 is said to have taken place on the 2nd of March 1940. The prosecution alleged that in the morning of 2nd March 1940, A5 met A1 near the Ananda Bhavan Hotel in Chikpet, Bangalore City, and there they plotted these offences. In order to prove this, the prosecution depend upon evidence of P. W. 33, Ponnambalam, and one taxi driver P. W. 51, Syed Yusuff.

167. It is seen from the evidence of Syed Yusuff that on the morning of 2nd March 1940 Guruswami engaged his taxi at the City Market Square, went to D. W. 7 Mahomed Ibrahim and picked him up on the way and went to the house of A5. A5, who was about to start in his car, told them to wait near his house and went somewhere and returned When A5 had gone out and the taxi was waiting near his house with D. Ws. 7 and 8 and P. W. 51, A 1 and P. W. 33 came in their car, M. O. 3, to A5's house. Finding that A5 was not there, they went away towards Chikpet and there spent some time near the office of Mr. M. P. Somasekhara Rao after finding that A5 also was not in his office, which is located in Chikpet. After A1 and P. W. 33 went away, A5 is said to have returned home and gone into the taxi of P. W. 51 with D. Ws. 7 and 8 to Basavangudi to meet one Mr. N. G. Krishniengar, a retired Superintending Engineer. After seeing Mr. Krishniengar on their way back in Visveswarapuram, A5 is said to have come in the same taxi along with D. Ws. 7 and 8 through the Avenue Road in order to go to his office. By that time, A1 and P. W. 33 are said to have come to the Ananda Bhavan Hotel, which is higher up in Chikpet and there A1 is said to have seen A5 coming in the taxi of P. W. 51 and beckoned him to stop the taxi. When the taxi driver stopped the taxi, A1 and A5 are said to have

talked over certain matters and A5 is said to have gone afterwards to his office and A1 to Ananda Bhavan Hotel with P. W. 33. Neither the driver of the taxi, P. W. 51, nor the approver, Ponnambalam know what the conversation was between the two. According to P. W. 33, they talked for about five minutes and A5 went away and while going A5 is said to have told A1 " ನೀಕು ಮೀಷಂ ಲೇದಾ ಬಯಪಡವದ್ದು, ಕೋರ್ಟು ದಗ್ಗರ ರಾ " (Have you no moustaches? Don't fear. Come near the Court). D. Ws. 7 and 8 on the other hand deny that P. W. 51 ever stopped the car near Ananda Bhavan Hotel, though they admit that they were with A5 in the taxi that morning. They do not admit that A1 and P. W. 33 went to A5's house that morning during the absence of A5. I have already stated above that the evidence of an approver can be believed provided there has been corroboration with regard to his evidence. Syed Yusuff, P. W. 51, on the other hand, states that he did not see Ponnambalam at all near Ananda Bhavan Hotel and he does not even know whether A1 and A5 talked over either in the taxi or outside it though he was standing behind his taxi smoking a cigarette. The first accused even in his confession statement does not refer to this meeting at all in the morning near Ananda Bhavan Hotel. When A1 had made an accusation against A5 in his confession statement and referred to the afternoon meeting, he would not have failed to mention the morning meeting when he has given a confession exactly one week after this alleged meeting. Ponnambalam himself states that these two persons who were seated in the car appeared to be respectable people. The Police also have examined them. From their enquiry the Police were not able to gather that A1 and A5 met in Ananda Bhavan Hotel that morning and they have been examined as witnesses for defence and they are positive that no such meeting ever took place. No doubt Mahomed Ibrahim is a client of A5 and this cannot be a sufficient motive for Mahomed Ibrahim to utter a falsehood. Guruswamy is said to be a building contractor and there is nothing in his evidence which would show that he is not speaking the truth. According to P. W. 51, these two persons were seated in the taxi when A1 and A5 were talking and his evidence suggests that they must have talked in the taxi and not outside. If they have talked anything, these two persons must have heard their conversation and it is impossible to expect that these two persons, who wanted to hatch a plot for murder, would talk in the presence of those two people. According to Ponnambalam, they were talking near the Talbot car. Ponnambalam had the last conversation also. It is highly improbable that two persons who were hatching a plot to murder could talk of such things in open street in front of one of the busiest hotels in Bangalore City and in the midst of one of the busiest roads. And when was Syed Yusuff examined? He was examined on 1st April 1940, eight days after the chargesheet was placed in the Court against the 5th accused. What was the reason for the Police to take remand twice for keeping A5 in Police custody and what is it that they did all these days till the 1st of April, to secure Syed Yusuff's evidence? His evidence is not entitled to much weight as he has been examined long after the charge-sheet was placed. The police after having placed a charge sheet against A5 making specific charges, go in search of evidence and examine one of the most important witnesses eight days after the charge sheet was placed. The reasons for the delay in his examination are not very clear and his evidence loses its value. He makes a serious contradiction when he says that A1 went to A5's house and not finding him there started away in less than two minutes. But P. W. 33 states that they stayed there for 20 minutes. The prosecution have not questioned D. Ws. 7 and 8 whether A1 had gone to A5's house as according to P. W. 33 they must have been there near A5's house.

168. Assuming for the purposes of argument that there was a meeting between A1 and A5 on 2nd March 1940 near Ananda Bhavan Hotel, can they talk of such a serious matter in that place? And the utterance made by A5 does not in the least show that A1 and A5 were talking of murder. Even believing that A5 said so, it only means 'Take courage, come near the Court. You are a man.' It is possible, if we believe the conversation that A1 might have told A5 of the seriousness of his case before the District Judge on 4th March 1940 as the final opportunity had been given for the production of the will and A1 might have requested A5 to produce the will and A5 might have pleaded his helplessness to produce the will as it had been filed in Court and A1 might have told him to come near the Court and that he would see what he could do in the matter. This cannot

certainly mean that they were plotting the murder. If this remarks referred to the murder, there is no reason to ask A1 to come near the Court and if the morning meeting was the commencement of the plot for murder, A1 must have prepared himself to do certain other things before he met A5 in Court at about 1 P. M. on the same day.

169. It is in evidence that A5 had an important case of the Bank of Mysore for which he was the legal adviser before the Additional District Judge on that day besides many other cases and that A5 examined D. W. 6 Mr. S. Srinivasa Raghavan, who is the Superintendent of the Loans Section in the Mysore Bank. Mr. M. N. Subba Rao, P. W. 57, who is the Bench Clerk to the Additional District Judge, states that the case went on from about 12 noon or 12-15 P. M. till about 2 or 2-10 P.M. and that Mr. Shankara Rao and A5 were engaged in the case of the Mysore Bank and that A5 came to the Court hall that day at about 12-30 P. M. did not leave the Court-hall till the case was over at about 2-10 P. M. or so. That was a case in which several lakhs of rupees had been claimed by the Mysore Bank as prior creditors in respect of the assets of the Kaiser-i-Hind Mills which was under liquidation and on that point the main arguments had to be addressed. Mr. Subba Rao also states that A1 had come to the Court hall that day and was seated in the Court between 1 and 1-30 P. M. and that he did not see him again. Mr. S. Sreenivasa Raghavan, who is an important Officer of the Bank and whose evidence cannot in any way be impeached, states that A5 started his arguments by about 12-30 P. M. and continued his arguments till 2-15 or 2-30 P. M. that day and that he and A5 left the Court-hall together. And according him, A5 came to the Court at 11-45 A.M. and remained there continuously till 2-30 P.M.

170. The prosecution have examined one witness P. W. 52 Lingappa to state that A1 and A5 met in the corridors of the Court at about 1 P.M., that day and that they talked something for about a minute and then they separated. If we believe the evidence of Mr. M. N. Subba Rao and Mr. Srinivasa Raghavan, it is difficult to reconcile their evidence with that of Lingappa. Lingappa states that he had some work in the Bangalore Sub-Division Office and that he was waiting there in the corridors of the Court and that he saw them talk together. And according to him, several people were moving about in the corridor including many Advocates and it is curious that no one else has witnessed these two persons talking together except this Lingappa, a resident of a different village. He is a person who had applied for insolvency with a liability of Rs. 30,000 and an asset of Rs. 1,500. He now states that he pays an assessment of Rs. 600 to 700. I would not have attached much value to his poverty. But when he has applied for insolvency with such a heavy liability and a small asset, I cannot believe he could be called a truthful witness when he says that he has properties for which he pays Rs. 600 or Rs. 700 as assessment. He does not know the conversation that took place between these two and it is very difficult to believe that in one minute a murder plot could be hatched or engineered. There is nothing to disbelieve the testimony of either Mr. M. N. Subba Rao or Mr. Srinivasa Raghavan and the uncorroborated testimony of this witness cannot be believed. Not only the evidence of Mr. Subba Rao and Mr. Srinivasa Raghavan, there is also the evidence of Mr. Somasekhara Rao and that of the approver himself which would go to show that what this witness has stated cannot be true. It must be borne in mind that the point of time when these two met in the most important thing as the witness is positive that they met at 1 P.M., Mr. Somasekhara Rao, P. W. 97, who was an Advocate for A1., states that on that day at about 3 P.M., A1 came and asked him when he was in the Law Association whether he had seen A5 and where he was and that he told him that he (the witness) had seen him near the First Munsiff's Court entrance a few minutes prior to that and that A1 returned a little later and told him that he was not able to find A5 and that he did not tell about A5 anything again. The evidence of the approver on this point is that at about 1-30 or 2 P.M., A1 came out of the Court building and told him that it would take some more time to meet his lawyer and that they should go and have their lunch in the meanwhile. So it is quite clear even according to P. W. 33 A1 could not have met A5 at or about 1 P.M. Subsequently till 3 O' clock it is apparent that A1 had not met A5 at all as spoken to by Mr. Somasekhara Rao. It appears that A5 had lot of engagements that day in the Additional Subordinate Judge's Court, Bangalore and in the Additional Munsiff's Court, C. & M. Station and in the District

Registrar's Office and when he had so many cases that day I do not think he would have had time enough or opportunity enough to talk over with A1 about the alleged plot to murder Mr. Krishna Murthy. A1 must have gone in search of A5 that day to Court but he cannot have met A5 as the latter was very busy.

171. After all, even if we believe the confession statement of A1., he does not say that A5 told him about the murder in the conversation they had on that day. I have already stated above that his confession cannot be made use of against the 5th accused or against the other accused.

172. Assuming for the purposes of argument that we can make use of the confession, A5 was telling A1 that in some way or other Krishna Murthy should be put to disgrace and that on that Saturday A5 told him 'Can you not get anything done to him? His annoyance is increasing' (ಅವರನ್ನು ಏನಾದರೂ ಮಾಡಿಸಬಾರದ ; ಅವರ ಹಾವಳಿ ಜಾಸ್ತಿ). Even if we believe the statement of A1, it can never mean that he wanted A1 either to abduct or to murder Krishna Murthy. These two meetings cannot be believed. The mere fact that A5 was telling A1 on other occasions that something must be done to disgrace Mr. Krishna Murthy cannot help the prosecution even if it is believed as the words inciting abetment are said to have been spoken on the 2nd of March 1940 alone.

173. Then another meeting is said to have taken place on the 3rd March 1940 at about 7-30 A.M., in the premises of A1 at No. 22, Cambridge Road, between A1 and A5. The approver in the lower Court stated that these two met in A1's bungalow, never specified the place where the alleged meeting took place. Now he states that it took place near the rear gate of A1's bungalow. As I have observed at the time of the local inspection, the rear gate opens into the 'G' street, Jogupalya, a big road by itself. And even here, the approver does not know what these two people were talking about.

174. It is seen from the evidence of P. W. 33, Ponnambalam, that after the murder he went to his house at 5 A.M., and that he had no sleep the whole of the previous night. It is doubtful whether he could have come back as usual at 7-30 A.M., to his master's house after all the incidents in the sleepless night.

175. Two other witnesses P. W. 53, Marappa, and P. W. 54, Shamanna Gowda, also speak to the fact that they saw A5 coming into the gate of A1 on the morning of 3rd March 1940 at about 7-30 A.M. Marappa is managing the stone-quarry of P. W. 54, Shamanna Gowda, and it is stated that he is doing so as a matter of obligation. Shamanna Gowda is no doubt a well-to-do man and he states he has properties worth three lakhs of rupees. He has reason to depose against the 5th accused as the 5th accused had appeared against him in two cases in which the witness was severely cross-examined by A5 and in one case he states he succeeded in the High Court and in which he lost about Rs. 10,000. That was the case relating to the stone-quarry managed by Marappa. Shamanna Gowda did not state in the lower Court that A5 was going to A1's house that day in the motor car. He now states that he went by car and he states also that he wished A5 when he was going into A1's gate. This fact also is not deposed by him in the lower Court.

176. It is curious that these two people have been examined on the 24th of March 1940 after the charge-sheet has been placed against the 5th accused along with the other accused. After all, they were residents of C. & M. Station and it was easy to secure their evidence before the charge-sheet was placed and the names of these two witnesses do not find a place in the list of witnesses noted in the charge-sheet and their names are found in the subsequent list of witnesses filed on 1st April 1940. As I have stated above, A5 was in the Police custody for a long period of time and it was not difficult for the Police to secure the evidence of these witnesses if they were true witnesses before the charge-sheet was placed. After the charge-sheet was placed the Police have gone in search of the evidence and have secured these two witnesses to speak to the fact of the alleged meeting on the 3rd March 1940.

177. From the evidence of Shamanna Gowda it is quite clear that he could not have any good feeling towards the 5th accused, who has cross-examined him strenuously with regard to his solvency and status and was responsible for a loss of certain sum of money to Shamanna Gowda. Though Shamanna Gowda does not admit that A5 appeared against him in a certain land acquisition case, the copy of the order-sheet, Exhibit D30, shows that A5 did appear against Shamanna Gowda in O. S. 11—25-26 for and on behalf of the defendant in that case Abdul Sattar Sab.

The order sheet shows that he was appearing against him till about 1934. I cannot believe the evidence of Shamanna Gowda in the light of the above circumstances and Marappa is only creature of Shamanna Gowda and his evidence is not entitled to any weight. It was possible that independent evidence could have been secured if A5 was going into the house of A1 in broadday-light on the morning of 3rd March 1940. Even if they were talking near the rear gate, there was a big road there and people must be passing in that area. I would have attached some value to the evidence of these two witnesses if they had been examined before the charge-sheet was placed against the 5th accused. It is clear that these two P. Ws. have not seen A5 and A1 meeting together that morning even assuming that they saw A5 go to A1's bungalow. The approver's statement that they met there is not corroborated by any one else.

178. Conceding for the purposes of argument that these two people saw A5 enter the gate of A1 on the morning of 3rd March 1940 there is nothing to show what A1 and A5 talked that morning. The mere fact of their meeting does not throw any inference of any guilt or otherwise: specially in view of the fact that I have not believed the previous two meetings, this meeting, even if true, does not throw any further light on the whole affair.

179. The 5th accused, on the other hand, has cross-examined Mr. C. V. Narasimha Iyengar, the witness for the prosecution, to show that the had meet him at about 7-30 A.M., in his house on 3rd March 1940 and that he was there with him for some time. Mr. C. V. Narasimha Iyengar admit this, One Venkatappa, D.W. 11, has also been examined to show that on that morning A5 did not go out anywhere excepting to Mr. C. V. Narasimha Iyengar's house and that he was with him all along from about 7 to 11 A.M. in order to get an appeal Memo drafted as an appeal had to be filed the very next day in the High Court. Mr. C. V. Narasimha Iyengar is a witness for the prosecution and he is a lwyer of some standing. His evidence has been impeached by the prosecution and it is suggested that when the Finger Print Expert was being examined in the lower Court, he went to the Bank of Mysore and had a conversation with P.W. 22 Mr. Subrahmanyam. Mr. Subrahmanyam does not tell us what the conversation was. But anyhow it is a fact that Mr. Narasimha Iyengar went to Mr. Subrahmanyam at that time. I can only say that it was indiscreet if nothing else on the part of Mr. C. V. Narasimha Iyengar, who was watching the case in the lower Court as one of the Counsel for the 5th accused, to have gone and interviewed Mr. T. M. S. Subrahmanyam at a time when he had to be recalled to the Court for further examination. Even assuming that he was interested in deposing in favour of his nephew, the evidence of Venkatappa makes it clear that A5 had not gone that morning on 3rd March 1940 to any place.

180. It would be highly improbable that if A5 was an abettor in the murder, which took place the previous night, he would have the courage enough to go to the first accused, the actual murderer, on the very next morning to know what has transpired. This is opposed to the ordinary course of human conduct. Even A1 in his confession does not refer to any such meeting. The evidence of the prosecution witnesses P. W. 30 Mr. Ahobala Nath and P. W. 104 Mr. Narasiah shows that for about an year and a half or two years prior to the date of the incident there were not good understandings between A1 and A5 and there were some misunderstandings between them. If that was so, I do not think that A1 would have placed confidence in A5 or A5 would have placed confidence in A1 in participating in a crime of this nature. And after all, as I have said, there was no motive for A5 to take part in this murder however much there might have been ill-feelings between Krishna Murthy and A5.

181. It has been laid down in 155 Indian Cases Page 369 by the Allahabad High Court that "if the evidence of association to be of any value should suggest something suspicious in such association and no inference one way or another can be drawn from a more casual meeting or meetings or conversation between the parties in a public place or park where mere acquaintences frequently meet and talk." The Judges go on to say in that case "It is not suggested by any of these witnesses that there was anything suspicious or strange or secret in the way these persons met and spoke. It is true that some witnesses said that Bachcha Babu and his friends in the park stopped their conversation when the witnesses approached but there is nothing strange in this. There might have been 101 reasons other

than the existence of a conspiracy which would induce Bachcha Babu and his companions to stop conversing whilst these witnesses were within earshot. In any event we find it difficult to believe that these witnesses could remember such incidents particularly when they attached no importance whatsoever to them when they occurred. Evidence of this kind is easily procurable and it is significant that none of these witnesses ever reported anything suspicious in the conduct of Bachcha Babu or any of the appellants until after the raid on August 5, and investigation into this alleged conspiracy had commenced." The observations made in this case apply equally to the present case. If there was a conspiracy between A1 and A5 and if they had talked in such a public place like the Ananda Bhavan Hotel or the Court corridor, it cannot mean anything. The witnesses themselves at that time did not consider it strange that such a meeting should have taken place and no adverse inference can be drawn by such a meeting. And, as a matter of fact, the evidence regarding this meeting has been collected after the placing of the charge-sheet.

182. Assuming for the purposes of argument that A5 persuaded A1 to commit any offence, is there any evidence to show in what way he wanted to get rid of Krishna Murthy? Did he suggest the abduction and did he suggest the murder? There is absolutely no evidence on these points. The mere fact that they met, even assuming that they met, cannot prove that A5 and A1 hatched a plot for murder. Even according to the confession statement of A1, A5 told him every often about the conduct of Krishna Murthy in his will case and his association with his mother and so on. A1 was not certainly perturbed on previous days when A5 told him so and why all of a sudden he should take the matter seriously is not clear. The evidence of the approver belies the statement of A1 that they met that afternoon. If, as stated by A1 in his confession statement, which I have said cannot be used against A5, that A5 told him in the court the samething which he was telling on previous occasions, there is nothing to indicate that this prompted him to prepare himself for the murder or abduction. The approver himself says that there was no preparation for murder till about 4 P. M. or so that day and that was thought of for the first time then. The words used by him are "there was no preparation for the commission of this offence prior to the moment of A1 getting angry at the order of attachment of his car."

183. The prosecution have tried to adduce some evidence to show that Krishna Murthy had permission to overdraw to the extent of about Rs. 2,000 in the Mysore Bank from a long time and that through the intervention of A5 this was stopped. But the evidence given by Mr. Peradon is quite the other way and the correspondence between Mr. Krishna Murthy and the Bank shows that the Bank was willing to oblige him with overdraft even without any cover up to the end of June 1940 as can be seen from the letter of the Bank. Ext. D25. They have allowed him to continue the overdraft of Rs. 2,000 and there is a letter of Mr. Krishna Murthy as per Ext. D24 dated 16th February 1940 thanking the Bank for the consideration shown to him and stating that there will not be any occasion for him to overdraw from the Bank and if he were to issue cheques beyond the amount allowed prior to his giving securities, the Bank may allow these cheques to be cashed.

184. Mr. Peradon, the prosecution suggest, is interested in the 5th accused on the ground that he agreed to stand surety to the 5th accused if he was let on bail. There was nothing improper in a friend trying to stand surety for A5 in case he was released on bail.

185. Ext. P76 is a letter written by the 5th accused to the Manager of the Bank of Mysore on 2nd January 1940, stating that he need not be consulted with regard to the fixed deposits of Lakshmamma and Sharadamma as he had issued a notice to the Bank on behalf of A1 and that in any event, if there was any need, independent legal advice may be taken. There is no indication to show when this letter was received in the Bank and there are no initials of any Bank officials. This was at first got produced by the 5th accused in the Committal Court and the prosecution have exhibited it. The prosecution suggest that this must have been the subsequent introduction in the Bank to show that A5 had nothing to do with these fixed deposits. The Bank officials admit that it does not bear any reference to show that it was received in the Bank on 2nd January 1940 and one of them states that this matter was treated as a confidential one and that it was not, therefore, registered in the Bank. Whatever it may be, it would be better

if any letter received by the Bank is indicated either by the initials of a responsible official or by a seal to show that it was received on a particular day.

186. P. W. 27 V. V. Sreenivasa Iyengar, a clerk in the Fixed Deposit Section, states that he dealt with Ext. P 76, the letter, and that he had asked orally the opinion of A5 with regard to the fixed deposits referred to therein and this letter may be in reference to the consultation made by this witness. Sreenivasa Iyengar states that that was the only occasion when he asked the opinion of A5 with regard to any of the fixed deposits standing in the name of Lakshmamma. Mr. Peradon, the Manager of the Bank, admits that the tenor of Ext. P 76 shows that the Bank must have asked for some opinion from A5 in regard to the Fixed Deposits. Mr. Peradon further states that he recollected A5 mentioning to him that he could not give opinion with regard to a certain case on the ground that he was interested in it but he does not remember what that case was and that it was possible that this might refer to the Fixed Deposits referred to in Ext. P 76. He also states that it is possible that Ext. P 76 was treated as a confidential letter and that it was not registered.

187. It is also sought to be made out that the Bank with the connivance of the 5th accused refused to pay the fixed deposit amounts even when the High Court set aside the order of the District Judge in O. S. 11 of 37-38. Lakshmamma had taken the order of temporary injunction in appeal and the High Court passed an order on 8th of December 1939 setting aside that order. On the 18th of December 1939 Lakshmamma wrote a letter, Ext. P59, enclosing a copy of the order passed by the High Court in Mis. Appeal 1 of 39-40 and stated that the fixed deposit amount referred to therein may be renewed for a period of six months from that date and she also suggested in that letter that the Bank need not consult A5 in regard to this fixed deposit and that otherwise the accounts with the Bank will have to be closed. On 21st of December 1939, Lakshmamma and Sharadamma both reminded the Bank of their previous letter as per Ext. P61 and complained that their fears were well-entertained against the 5th accused and that the Bank should take immediate steps to allow the renewal of the fixed deposits and to disburse the accumulated interest on the amounts for the period during which the amounts remained unrenewed. On the 21st of December 1939, as per Ext. P62, the Bank wrote a letter that they were glad to be able to renew the above deposit for six months allowing interest at 1 per cent from the due date to date of renewal and suggested that she should get a letter from the District Court cancelling their previous order of 6th October 1937 and authorising payment of the principal of the above deposit. A similar letter was also addressed to Sharadamma on the same day as per Ext. P63. Before these letters could reach them, they also sent two telegrams to the Bank and to the Chairman of the Bank stating that the Bank have ignored the order of the High Court and that immediate attention should be paid and that necessary legal steps would be taken otherwise. This was followed up by a letter, Ext. P66, dated 22nd December 1939, demanding the return of the fixed deposits inclusive of interest and threatening the Bank to proceed against them legally for the delay caused. On the same day another letter also was written as per Ext. P 67 making serious complaints against the Bank. On the 23rd of December 1939 the Bank wrote a letter, Ext. P68, to Lakshmamma and Sharadamma stating that they have received the copy of the High Court order cancelling the order of the District Court and stating that however they are, under the order dated 6th October 1937, bound by the District Judge's order and that they might ask the District Judge to get a letter addressed to the Bank as was done on a previous occasion in the case of Kodanda Rama Reddy, and regarding the complaint of delay, they have stated that as they had not received any order from the court as mentioned above they had to take legal advice in the matter. That was the legal advice probably which is referred to in Ext. P76 and in which A5 stated that he would desist from giving any advice in this matter.

188. Then on the 23rd of December 1939, Mr. M. Krishna Murthy also wrote a letter on behalf of Lakshmamma and Sharadamma complaining against the Bank's unreasonable attitude towards them in the matter of paying back the deposits and a reply as per Ext. P70 was given to Mr. Krishna Murthy by the Bank. Then again on the 24th of December 1939 Mr. Krishna Murthy wrote to the Bank stating that it is only the High Court order that has got to be respected by the Bank and it was not necessary for the Bank to wait for the District Judge's order

and Mr. Krishna Murthy also told the Bank that his clients felt that they should place their grievances before the High Court of Mysore in the interests of justice.

189. After this correspondence, on the 2nd of January 1940 the District Judge wrote a letter to the Bank as per Ext. P73 intimating the Bank that the said prohibitory order dated 6th October 1937 may be returned to the court as that order was dissolved by the High Court of Mysore.

190. Then on the 3rd of January 1940 the Bank wrote to Lakshmamma and Sharadamma to call on the Bank with the above fixed deposit receipts to receive payment of the deposit amounts.

191. It is suggested that the delay between the 18th of December 1939 and the 3rd of January 1940 in returning the fixed deposit amounts was due to the advice or influence of A5 who wanted to harass Lakshmamma and Sharadamma from getting their amount. No doubt, the Bank should have taken notice of the order of the High Court and paid the money or written to the District Judge himself immediately whether the money could be paid instead of directing the parties to approach the District Judge to pay the money. So far as the Bank was concerned, it is difficult to think that they had any motive in withholding the payment and they state that they had to take legal advice before writing to them and the legal advice whoever has given, was not the proper advice under the circumstances, as the Bank was bound to obey the order of the High Court. The Bank may have been mistaken in believing that the order of the District Judge also was necessary. But I cannot draw any inference in this matter against the Bank.

192. The learned Public Prosecutor has examined one Mr. P. O. Koshy, who is in charge of the Bangalore Branch of the Travancore National and Quilon Bank, which is under liquidation now. Proceedings in connection with the liquidation are going on before the Civil and Military Station District Judge. He has produced an account book showing the transactions of the Bank under liquidation and this is Ext. P192 and he states that in connection with the liquidation proceedings a Committee of Inspection had been appointed with Mr. C. V. Narasimha Iyengar as one of the members of the Committee and that on 2nd March 1940 the learned District Judge authorised him to incur an expenditure up to Rs. 500 in connection with those proceedings. He also states that this sum of Rs. 500 has been debited as per Ext. P 192 (*a*) to Mr. C. V. Narasimha Iyengar as having been paid on 2nd March 1940. Mr. C. V. Narasimha Iyengar has acknowledged this sum under two receipts Ext. P 193 and P 194. He admits that there was no cash balance with him on the 2nd of March 1940 and that though the accounts showed that he paid these two sums on 2nd March 1940 he paid these sums actually out of his own private money which he had with him. He has also prepared two statements of account as per Ext. P 198 and P 199. According to P 198, Rs. 100 has been given on 2nd March 1940 and Rs. 400 on 3rd March 1940. This statement has been prepared under the signature of Mr. C. V. Narasimha Iyengar and P 199 is the statement prepared in the Bank. The entries relating to those two sums are P 199 (*a*) and P 199 (*b*). Those two entries at first bore the date 8th March 1940 and subsequently '8' has been struck off and '2' and '3' have been inserted, respectively, as regards the date in Ext. P 199. This sum of Rs. 400 and 100 was apparently intended to file an appeal against the order of the District Judge, Civil and Military Station, before Mr. Newsam, the Additional Judge of the Residency Court who is also the District Judge at Chittoor and there is no dispute as regards the fact of filing an appeal against the order of the District Judge before Mr. Newsam. In order to argue this appeal, Mr. C. V. Narasimha Iyengar says that he sent A5 to Madras to engage Mr. T. R. Venkatarama Sastry. Mr. C. V. Narasimha Iyengar, as a member of the Inspection Committee, was authorised to file this appeal and when he wanted to engage Mr. T. R. Venkatarama Sastry, Mr. Venkatarama Sastry demanded Rs. 1,500 plus expenses for arguing that appeal as per his telegram, Ext. P 210 and he also sent another telegram on the 3rd March 1940 asking Mr. Narasimha Iyengar to go to him immediately for successful arrangement as per Ext. P 211. Mr. C. V. Narasimha Iyengar adds that he sent A5 to negotiate with Mr. Venkatarama Sastry to accept the fees of Rs. 400 and to argue the appeal on the 5th. This Rs. 400 was taken from Mr. Koshy at 10-30 P.M. on the night of 3rd March 1940 as spoken to by Mr. Koshy and on the next morning the 5th accused went to Madras, *i.e.*, on the morning of the 4th March, engaged

Mr. T. R. Venkatarama Sastry to argue that appeal on the 5th March before Mr. Newsam in Chittoor and returned on the 5th morning back to Bangalore. The payment of Rs. 500 is found in the books of the Bank on the 9th of March and Mr. Koshy states, as I have already stated above, that he had advanced the money of his own and that when he received money from the liquidators at Madras on the 8th March by cheque, he made the entries in the Bank account book. We are not concerned in this case as to the conduct of Mr. Koshy in paying the amount on the 2nd and 3rd of March and crediting this sum in the Bank accounts on a later date. The receipts given by Mr. C. V. Narasimha Iyengar and the accounts maintained by Mr. Koshy regarding the payments made on 2nd and 3rd of March 1940 are produced by the prosecution to show that the 5th accused wanted to justify his going to Madras on the 4th March 1940.

193. It is suggested that the 5th accused who was an abettor of the murder thought that he would be safe if he went away from Bangalore on the 4th March. But if he had any real intention of absconding from the place, his absence for a day would not have mattered much. Mr. T. R. Venkatarama Sastry has given a receipt as per Exhibit P 207 to show that he has received Rs. 400 from Mr. C. V. Narasimhaiengar through Mr. S. K. Venkatarangaiyengar, *viz.*, the 5th accused. The receipt mentions that he received Rs. 400 on the 4th March for part fee Rs. 300 and expenses Rs. 100. This receipt is dated 25th March 1940. The learned Public Prosecutor contended that the wordings of the receipt are very peculiar and he wanted me to draw an inference from this as if this receipt was intended to show the absence of the 5th accused at Madras on 4th March. If any inference had to be drawn with regard to this receipt, the prosecution would have done well in examining Mr. T. R. Venkatarama Sastry and he had no opportunity of explaining why he mentioned the name of A5 and Mr. C. V. Narasimha Iyengar when A5 alone had paid him Rs. 400. My attention has also been drawn to the specific date '4th March' mentioned therein. I think that receipt only indicates what actually transpired. The 5th accused has paid Rs. 400 for and on behalf of Mr. Narasimha Iyengar and as the payment related to a Bank, Mr. Venkatarama Sastry may have thought it better to mention by whom the amount was received, for whom the amount was received, on what date it was received, and for what purpose it was received. I do not find anything strange in that receipt.

194. A letter written by Mr. Venkatarama Sastry to Mr. D. V. Gundappa, P. W. 89, has also been filed in this case as per Exhibit P 203. In that letter Mr. Venkatarama Sastry has referred to the death of Mr. Krishna Murthy and states that he heard at Chittoor from Mr. Narasimha Iengar that it was believed that the enemies of Krishna Murthy's clients had taken the revenge for wrongs fancied or real. It is apparent that Mr. C. V. Narasimha Iyengar and Mr. T. R. Venkatarama Sastry met at Chittoor on 5th March 1940 and what he states therein does not in any way indicate any suspicion on the 5th accused. Exhibit P 208 is a letter written on 12th March 1940 by Mr. T. R. Venkatarama Sastry to Mr. Narasimha Iyengar. This is in reply to a letter written by Mr. Narasimha Iyengar to him and probably Mr. Narasimha Iyengar may have written to Mr. Venkatarama Sastry about the arrest of the 5th accused and Mr. Venkatarama Sastry in his letter expresses his belief that the 5th accused was innocent. He also states that he has his own reason in A5's last visit to him on Mr. C. V. Narasimha Iyengar's behalf.

195. The prosecution was no doubt entitled to bring to the notice of the court why the 5th accused had gone to Madras on 4th March 1940 when it was Mr. C. V. Narasimha Iyengar that had been required to go by Mr. T. R. Venkatarama Sastry. But Mr. Narasimha Iyengar states that he thought it was advantageous for A5 to go to Madras to engage Mr. Venkatarama Sastry. But that he went to Madras to avoid any suspicion cannot be inferred because he has returned the very next day.

196. The learned Public Prosecutor admitted that there was no direct evidence with regard to the 5th accused as regards abetment and that there was a lot of circumstantial evidence, which, all taken together, would tend to show that the 5th accused is actually guilty of abetment. It is held in VIII, M. L. J. 379, that "in cases dependant on circumstantial evidence, to justify the conclusion of guilt, the incriminating facts must be incompatible with the innocence of the accused and incapable of explanation upon any other reasonable hypothesis than that of his guilt. Absence of motive for the crime is a strong circumstance to prove the

innocence of the accused when there is no direct evidence to connect him with the crime and in the absence of convincing evidence to bring home the charge against the accused, it is unsafe to base any conviction upon his retracted statement."
5 Judged by this test, I cannot say that there are incriminating facts incompatible with the innocence of the 5th accused and as I have already stated above, the forgery of the will is not proved. There is absence of motive and this is a strong circumstance to prove the innocence of the accused.

197. It is pointed out by the learned Public Prosecutor that though the 5th
10 accused is said to have ceased any connection with the cases of A1, A5 has continued to appear for A1 in the election case filed by one Neelagiri Sanjeeviah in Mis. Case No. 186 of 36-37 for setting aside the election of the first accused as a member to represent the Anekal Constituency in the Representative Assembly. In this case A5 has continued to appear for A1 till 5th March 1938 though that case was dis-
15 posed of on 17th July 1929 by refusing an adjournment. Beyond 5th March 1938 A5 has not appeared for A1. This circumstance is more in favour of A5 than in favour of the prosecution. The fact that A5 ceased to appear from 5th March 1938 shows that the feelings between A1 and A5 may not have been very cordial and as a result of which A5 has ceased to appear for A1. I cannot say that the feelings
20 between A1 and A5 were such as to bring about an inimical feeling between the two but I think it was enough to create want of confidence between the two.

198. "In a criminal trial, the court's decision should not rest upon suspicion. The gravest suspicion against the accused will not suffice to convict him of a crime unless evidence establishes it beyond doubt." Even conceding that there may be
25 some suspicion against the accused, those by themselves will not be sufficient to convict the 5th accused. (See A. I. R. 1933 Oudh 372).

199. Taking all these circumstances into consideration, I am of opinion that the charges against the fifth accused have not been proved beyond any reasonable
30 doubt. Even assuming for the purposes of argument that all what the witnesses have said is true, the mere meeting with A1 on three occasions does not even show what the subject of the conversation was and the meetings may amount to a suspicion if they are believed. But that that suspicion by itself is not sufficient to convict him. A5 is entitled to be acquitted of the charges against him.

200. I have already stated above that the accused 1, 2 and 3 have committed
35 abduction of Mr. Krishna Murthy with intent to murder him and have committed his murder also.

231. The 1st accused in his statement before this court pleads that he is innocent of the charges of murder and of abduction to commit murder but appears to plead that he is guilty only of abduction with intent to wrongfully confine Mr.
40 Krishna Murthy. The second and third accused have denied all knowledge of the offence and have pleaded that they are absolutely innocent. The 5th accused also denies having committed any offence. I have assigned my reasons for coming to the conclusion that the accused 1, 2 and 3 have committed the abduction with intent to murder and murder—offences punishable under Sections 302 and 364 of
45 I.P.C. The 4th accused also denies all knowledge of the offence and I have already held that it is not proved by the evidence that he is guilty of any offence. I have also held similarly with regard to the 5th accused.

202. All the three assessors are unanimously of opinion that the first accused is guilty only of abduction with intent to wrongfully confine Mr. Krishna Murthy—
50 an offence punishable under Section 365 of I.P.C.—and that the 2nd and 3rd accused are guilty of abducting Mr. Krishna Murthy with intent to murder and murdering Mr. Krishna Murthy,—offences punishable under Sections, 364 and 302 of I.P.C. With regard to the 4th accused, the 1st and the 3rd assessors state that he is guilty of abduction with intent to murder and murder. The 2nd
55 assessor gives the 4th accused the benefit of doubt. With regard to the 5th accused, the 1st assessor states that he is guilty only of abetment of abduction with the intention of wrongfully confining Mr. Krishna Murthy. The 2nd assessor is of opinion that the 5th accused is guilty only of abetment of murder and not guilty of abduction with intent to commit murder. The 3rd assessor, on
60 the other hand, states that the 5th accused is guilty of abetment of murder and abetment of abduction with intent to murder.

203. I agree with these assessors only in holding that A2 and A3 are guilty of abduction with intent to murder Mr. Krishna Murthy and of murdering

Mr. Krishna Murthy—offences punishable under Sections 302 and 364 of I.P.C. I cannot agree with them with regard to the 1st, 4th and 5th accused for the reasons I have mentioned in the earlier part of this Judgment.

204. Before concluding, I must express my appreciation of the promptness with which the police started the investigation and finished it. I quite realise the difficulty of the police in handling a case of this kind, where the whole event was thought of and perpetrated within the course of a few hours, without leaving much traces of the affences until Mr. Misri communicated the information to Mr. Safi Darashah. At the same time, I wish to point out that the police could have examined all the witnesses before placing the charge-sheet in the case and their examination of some very important witnesses after placing the charge-sheet, and particularly against the 5th accused, cannot be commended. This case, on account of the importance of the person murdered and of the persons involved attracted a lot of public notice and excitement as can be seen from the large number of persons watching the trial in the Court. When the public excitement was so high, it is but natural that exaggerated stories might have come to the notice of the police and they might have been embarrassed in the investigation which they had undertaken. The accused 1 to 4 were whithin the limits of Civil and Military Station and I am glad to say that the Police of the Civil and Military Station have rendered considerable help to the Mysore Police in arresting the accused and in tracing the properties in the case and otherwise helping the case.

205. A murder of an innocent Advocate at the hands of his clients' enemies is unheard of anywhere. It is astonishing how in the midst of the busiest locality in Bangalore and in a place surrounding thickly by the residential quarters of many citizens of Bangalore such a murder has been committed so daringly. The scene of murder is a place which is being frequented by people moving about towards Shankarpur and Basavangudi and there are two schools on either side. The preparation for the murder and abduction and their execution has taken place practically in less than three hours and it shows the desperate and hazardous way in which the accused 1 to 3 undertook this task. The 1st accused must have known the usual route taken by Mr. Krishna Murthy in the evenings on his way home from the chambers; otherwise he would not be able to follow him so easily.

206. This open defiance of law and order and the recklessness with which the murder is committed in the midst of a thickly populated locality must have shaken the confidence of the public in their security and the accused 1 to 3, who are responsible for this dastardly crime, must be dealt with severely.

207. By the unfortunate death of Mr. Krishna Murthy, his family lost an earning member and the Bangalore Bar, a prominent Advocate. It was open to the 1st accused to have fought out to the very bitter end his cases in Court instead of having recourse to this inhuman crime. The accused 2 and 3 are no doubt tools in the hands of the first accused but they must have known what they were doing when they associated themselves with the 1st accused in murdering Mr. Krishna Murthy. They must have known that by putting a rope round his neck and closing his mouth death was inevitable. Little minding the consequences of their crime, they have thrown away the dead body near the public thoroughfare. A dastardly act of this kind has got to be punished with the extreme penalty of law and there are no extenuating circumstances in the case. The 1st accused is an young man of 26 years of age and his youth alone cannot be a sufficient consideration for me to inflict a lesser punishment.

208. I find the accused 1, 2 and 3 guilty of the offences of abduction with intent to commit murder and murder, punishable under Sections 364 and 302 of the Indian Penal Code and sentence each of them, A1 Narayana Reddy, A2 Muniga and A3 Rama to undergo rigorous imprisonment for seven years for the offence under Sections 364 of Indian Penal Code and I further sentence also that each of these three accused be hanged by the neck until he is dead subject to confirmation of this sentence by the High Court for the offence under Section 302 of Indian Penal Code. These three accused have been informed that they are entitled to prefer an appeal to the High Court against this sentence within seven days from this day. Accused four is acquitted of the charges under Sections 302 and 364 of Indian Penal Code and I direct that he be set at liberty forthwith. The 5th accused is acquitted of the charges of abetment under Sections 302 and 364 of the Indian Penal Code read with Section 109 of the Indian Penal Code. But he

cannot be set at liberty as he is required to undergo another trial in Bangalore Sessions Case No. 1—40-41. He will, therefore, remain in custody. The approver is discharged in this case. Since his evidence is necessary in Bangalore Sessions No. 1—40-41 as approver, he will continue to remain in custody until further orders of the Court.

209. M. Os. 1, 5, 10 and 12 will be destroyed. M. Os. 9, 29 and 30 will be returned to A1. M. Os. 3, and 4 and 14 have already been returned. M. Os. 26, 27 and 28 will also be returned to A1. M. Os. 6, 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, 23. 24 and 25 belong to the late Mr. Krishna Murthy. They will be returned to the heirs of Mr. Krishna Murthy if they claim them. M. O. 13, a brass seal, will be returned to Mr. G. A. Tustin. M. O. 2 will be returned to P. W. 40 Mr. Mohan. M. Os. 11 and 31 will also be destroyed.

Dictated to the steno-typist, pronounced and signed by me in Open Court.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
12-9-1940.

V. LIST OF MATERIAL OBJECTS PRODUCED IN THE CASE.

M. O. 1. One coir rope.
2. One overcoat (water proof.)
3. One Talbot car of A1.
4. One motor van.
5. One cotton rope.
6. One walking stick of the deceased.
7. A pair of sandals
8. One turban of the deceased.
9. One ash tray of Talbot car.
10. Two cardamoms.
11. A green piece of cloth (a portion cut.)
12. A small quantity of cotton (waste).
13. A brass seal of Mr. G. A. Tustin.
14. A taxi.
15. One coat.
16. One silk waist coat.
17. One shirt.
18. One white baniyan.
19. One shirt collar.
20. One neck tie.
21. One kerchief.
22. One iron key.
23. Cash Re. 0-1-6.
24. One 'Tiku' fountain pen.
25. One yellow lead pencil.
26. One panche of A1.
27. One shirt of A1.
28. One kerchief of A1.
29 & 30. Two bakelite sockets of an ash-tray belonging to M. O. 3 (Talbot car.)
31. A long piece of green cloth.
32. Not marked.
33. One duplicate key.

PART II.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Criminal Appeals Nos. 19 to 21 of 1940-
Criminal Referred Case No. 1 of 1940-41.

Appellants.

K. M. Narayana Reddy--Accused 1.
(Appellant in Cr. A. 19 of 1940-41.)

Muniga—Accused 2.
(Appellant in Cr. A. 20 of 1940-41.)

Rama—Accused 3.
(Appellant in Cr. A. 21 of 1940-41.)

Oral Evidence in

Bangalore Sessions Case No. 30 of 1940-41.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CRIMINAL APPEALS NOS. 19, 20 AND 21 OF 1940-41.
Criminal Referred Case No. 1 of 1940-41.

Evidence for the Prosecution and Defence.

CONTENTS.

		PAGES.
P. W. 1	Mr. V. A. K. Murthy	1
,, 2	,, C. Syed Abdul Khuddus	2
,, 3	,, T. Rama Rao	2
,, 4	,, Mohamad Isaac	2—3
,, 5	Mohamad Khasim	3
,, 6	Sheik Mohideen	3
,, 7	Kunta Obaliga	3—4
,, 8	Mr. S. C. Krishnappa	4
,, 9	,, Noorullah	4
,, 10	Anjani	5
,, 11	Muniswamy	5
,, 12	Chikmuniswamy	6
,, 13	Thimmiah	6—7
,, 14	M. Ananthaswamy	7
,, 15	S. Shama Rao	7—8
,, 16	Mr. C. K. Srinivasa Murthy	8
,, 17	Sharabanna	9
,, 18	R. Srinivasa Rao	9
,, 19	Sriramalu	9
,, 20	Chikveeriah	10
,, 21	Mr. C J. Misri	10—12
,, 22	,, T. M. S. Subrahmanyam	12—14
,, 23	,, Vajapeyam Venkatesiah	15
,, 24	Lingiah	15—16
,, 25	G. Sreenivasa Iyengar	16—17
,, 26	Mr. Safi Darasha	17—18
,, 27	V. V. Srinivasa Iyengar	18—19
,, 28	Y. S. Venkatachala Sastry	19
,, 29	Abdul Rahiman	19—20
,, 30	Mr. E. Ahobalanath	20—24
,, 31	Ramiah	24—25
,, 32	Kaveramma	25
,, 33	V. S. Ponnambalam	25—36
,, 34	Dr. A. S. Krishnaswami	36—38
,, 35	Dr. V. V. Monteiro	38—39
,, 36	Mr. G. A. Tustin	39
,, 37	George	40
,, 38	Mr. Ahamad Khan	40
,, 39	Krishnamurthy	40—41
,, 40	Mr. T. A. Mohan	41
,, 41	Joseph	42
,, 42	Somasundaram	42
,, 43	Prakash	42—43

	PAGES.
P. W. 44 Jeevarathnam	43
,, 45 Nanjappa	43—44
,, 46 Abdul Rahaman	44
,, 47 Syed Jaffar	44
,, 48 Mr. M. Ramaswamiah	45
,, 49 ,, H. Krishnachar	46
,, 50 ,, Y. Srikantiah	46
,, 51 Syed Yousuff	47—48
,, 52 Lingappa	48
,, 53 Marappa	49
,, 54 H. G. Shamanna Gowda	49—50
,, 55 Syed Peer	50
,, 56 Mr. Ambaji Rao	51
,, 57 M. N. Subba Rao	51—54
,, 58 B. Narayana Rao	54
,, 59 P. Srinivasa Rao	55—56
,, 60 Muniyappa	56—57
,, 61 Mr. B. Vasudeva Murthy	57—58
,, 62 S. Subba Rao	58—59
,, 63 Nanjappa	59
,, 64 Nanjappa Reddy	59—61
,, 65 Chikkanniah Reddy	61—62
,, 66 H. G. Shamanna	62
,, 67 Abdul Sattar	63
,, 68 Thimmarayappa	63
,, 69 Anniah	63—64
,, 70 Mr. P. Bheema Rao	64—65
,, 71 *Sastravydya Pravina* Dr. S. Subba Rao	65
,, 72 K. V. Ramachandra Rao	65—70
,, 73 Mr. Bridle	70
,, 74 Mr. O. S. N Sheriff	71
,, 75 M. Dorakanna Naidu	72
,, 76 Mr. J. L. D'Silva	72—73
,, 77 ,, T. D. M. Fernandez	74
,, 78 ,, Xavier	74
,, 79 Lakshmamma	74—79
,, 80 Mr. G. Muddappa	79—80
,, 81 Lt. Col. J. B. Hance, I.M.S.	80
,, 82 Mr P. O. Koshy	80—82
,, 83 Mr. G. K. Raghavendra Rao	82—83
,, 84 ,, D. Shama Rao	83—84
,, 85 Rajagopala Modaliar	84—85
,, 86 Mr. K. Mahomed Ahmed	85
,, 87 Mr. F. L. Peradon	85—88
,, 88 Mr. S. Venkatapathiah	88—89
,, 89 Mr. D. V. Gundappa	89
,, 90 Mr. C. V. Narasimhiengar	89—91
,, 91 K. M. Kodandarama Reddy	91—93
,, 92 Mr. A. A. Khan	93
,, 93 B. A. Ghani	94
,, 94 Mr. A. S. Ramanna	94—95
,, 95 Nanjundiah	95—96
,, 96 H. R. Nanjundiah	96—97
,, 97 Mr. M. P. Somasekhara Rao	97—98
,, 98 M. Gurumurthy	98—100
,, 99 Mr. Mahomed Akbar Ali	100
,, 100 Gopal Nair	100—101

		PAGES.
P. W. 101	Dr. G. M. Dominick	101
,, 102	Mr. M. Narasimhiah, Police Inspector, 'A' Division, Bangalore City	...101—104
,, 103	Mr. Ganapathi Sarma	...104—105
,, 104	Mr. H. S. Narasiah	...105—106
,, 105	Rangachar	...106—107
,, 106	M. Lakshminarayana Rao	107
D. W. 1	H. Gundappa	...107—109
,, 2	M. Venkatasamappa	...109—111
,, 3	Hoskote Nanjundappa	...111—112
,, 4	Balakrishna Mudaliar	...112—113
,, 5	Kenchappa	113
,, 6	Mr. S. Srinivasa Raghavan	...114—115
,, 7	P. Mohamed Ibrahim	115
,, 8	Guruswami Naidu	...115—116
,, 9	Y. Dasappa	116
,, 10	Mr. Abdulla Hussain Sheriff	...116—117
,, 11	Venkatappa	...117—118

EVIDENCE FOR PROSECUTION.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Complainant. *Accused.* 5

Vs.

Government of Mysore. K. M. Narayana Reddy and others.

Deposition of V. A. Krishna Murthy. P.W. 1.

Father's name—Arumugum Mudaliar.
Age—45 years.
Caste—Mudaliar. 10
Occupation—Sub-Overseer.
Residence—Malleswaram, Bangalore City.

Duly Sworn.
Dated 2nd July 1940.

Examined by the Public Prosecutor. 15

I work in the City Municipality since 23 years. I have prepared the plan Exhibit P-1 in triplicate at the request of the Police Inspector, Bangalore City. I have prepared another plan Exhibit P-2 also at his request. Exhibits P-1 and P-2 relate to certain portions of Bangalore City. I prepared Exhibit P-1 and P-2 after inspecting the locality. They are prepared to a scale. Exhibit P-1 shows 20 the routes from Cottonpet to Basavangudi Circle. Office noted there is Mr. M. Krishna Murthy's office. I have demarcated from the said office the Mysore Road. I have marked the Apex Bank also in the plan and as well as the Sanskrit College. I have marked the Hardinge Road, and the National School and the Mahila Seva Samaj. Between the 2 latter institutions there is an open place bounded by 25 Krishnarajendra Road on one side and Hardinge Road on the other side. Exhibit P-2 is the plan of that open space and its surrounding area. There is a foot path which I have marked in Exhibit P-2. From the open space no vehicle can pass to Krishnarajendra Road but at one particular place marked at the stone-post a vehicle can go from the open space to Hardinge Road. Hardinge Road joins the 30 southern portion of the North Road Basavangudi. There is a circle to the South-east of the National School, in the North Road, 5 Basavangudi. This circle is called Vani Vilas Circle. That North Road goes to the Lalbagh towards east.

Cross-examination by Mr. G.R.E.

Basavangudi Division Inspector asked me to prepare these plans on 18th March 35 1940.

Cross-examination by Mr. H. R. G.

I see exhibit P-2. There was no access from the open place towards the National School for vehicle. There is a deep earthen drain which prevents access. That drain is not shown in Exhibit P-2. 40

Cross-examination by Mr. G. C. R.

There is a Post Office in the Hardinge Road. I have marked it in Exhibit P-1 now. I cannot give the distance between the Post Office and the centre of the open place without a scale now.

Cross-examination by Mr. V.V.S.—Nil. 45

Re-examination.—Nil.

Read over to the witness and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940.

Deposition of C. Syed Abdul Khuddus. P. W. 2.

Father's name—Syed Ibrahim.
Age—28 years.
Caste—Mussalman.
5 Occupation—Revenue Inspector.
Residence—Yelahanka Hobli, Bangalore Taluk.

Duly Sworn.
Dated 2nd July 1940.

Examined by the Public Prosecutor.

10 I am the Revenue Inspector of Yelahanka Hobli. I have prepared the plan Exhibit P-3. It shows the Railway line from Yelahanka to Arkavathi Railway bridge. It also shows the road passing by the side of the Railway line and the level crossing. I have prepared Exhibit P-3 to a scale 1"=1 mile. I have also prepared another plan Exhibit P-4. It is a sketch of Puttanhalli village. In the 15 point A in Exhibit P-4 there are lantana bushes. That point is close to Dodballapur Road. I have marked a foot path from the road leading to Kenchenhalli village. There is a causurina tope in S. Number 46 of Puttanhalli village. I have prepared Exhibit P-4 to a scale of 1"=1 furlong.

Cross-examination.—Nil.

20 Read over to the witness and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940.

Deposition of T. Rama Rao. P.W. 3.

Father's name—Aswathanaranappa.
25 Age—46 years.
Caste—Brahmin.
Occupation—Sub-Overseer. (P.W.D.)
Residence—Dodballapur.

30 Duly Sworn.
Dated 2nd July 1940.

Examined by the Public Prosecutor.

I have prepared the plan of the locality near Makalidurg as per Exhibit P-5 to a scale of 1=330" feet.

Cross-examination by Mr. G.R.E.

35 The point A in Exhibit P-5 is at a junction of the road and a foot path and 1 furlong and 59 feet from there. B and C are furlong stones shown in Exhibit P-5. The junction is at the point D. The distance between the points A and D is about 1/3 of a furlong. The distance between the main road and point A is 18 feet. There is a distance of 2½ furlongs between the points A and F.

40 *Cross-examination* by others.—Nil.

Re-examination.—Nil.

Read over to the witness and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940.

45 Deposition of Md. R. Issack. P. W. 4.

Father's name—Abdul Rahiman.
Age—26 years.
Caste—Muslim.
Occupation—Revenue Inspector.
50 Residence—Varthur, Bangalore Taluk.

Duly Sworn.
Dated 2nd July 1940.

Examined by the Public Prosecutor.

I have prepared the sketch Exhibit P-6 showing Konenagrahara, Rustumbog 55 and Murigesa palya and causurina tope. This tope is near the 6th mile in

Cross-examination.—Nil.

Read over to the witness and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940.

Deposition of Mohamad Khasim. P. W. 5.

Father's name—Shaik Mohideen.
Age—25 years.
Caste—Muslim.
Occupation—Peon, Musapher at Ghati.
Residence—Dodballapur. 10

Duly Sworn.
Dated 2nd July 1940.

Examined by the Public Prosecutor.

My father is a Police Constable P. C. 282 at Subramanya Ghati. I have ritten the report Exhibit P-7. I wrote it to the dictation of my father. 15

Cross-examination.—Nil.

Read over to the witness, interpreted and admitted to be correct.

Sd). A. SUNDARARAJA RAO,
2-7-1940.

Deposition of Shaik Mohideen. (P. W. 6.) 20

Father's name—Mohamed Khasim.
Age—45 years.
Caste—Muslim.
Occupation—Police Constable.
Residence—Subramanya Ghati, Dodballapur. 25

Duly Sworn.
Dated 2nd July 1940.

I work in Subbarayan Ghati. I got the report Exhibit P-7 written by my on P. W. 5. I was near the Police Station in the Ghati. Some stranger came to ne and told me that a dead body was lying by the side of the road leading from 30 Makalidrug to Subbarayan Ghati. I then went to the spot and found the dead ody. The dead body was lying in a pit by the side of the road. I stayed there nd when my son came there from Dodballapur I sent him to fetch the Talavars. was present at the inquest. After the inquest I handed over the body to the Doctor for *post mortem* examination. 35

Cross-examination.—Nil.

R. O. I. & A. C.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940.

Deposition of Kunta Hobaliga. (P. W. 7.) 40

Father's name—Kaki Hobaliga.
Age—35 years.
Caste—Adikarnataka.
Occupation—Thalawar.
Residence—Gunjur, Dodballapur Taluk. 45

Duly Sworn.
Dated 2nd July 1940.

Examined by the Public Prosecutor.

I was watching the dead body lying near my village till the Sub-Inspector came there. P. W. 5 Khasim Sab came and called me to watch the dead body. 50 I watched it till the inquest was over.

Cross-examination.—By Mr. G. R. E.

I was sitting on the road and watching the dead body. It was visible from the spot I was sitting. The place where the dead body was lying was a sloping one with bushes.

5 *Re-examination.*—Nil.

R. O. I. & A. C.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940.

Deposition of Mr. S. C. Krishnappa. (P. W. 8).

10 Father's name—Chandrasekhariah.
Age—50 years.
Caste—Brahmin.
Occupation—Sub-Inspector of Police.
Residence—Dodballapur.

15 Duly Sworn.
Dated 2nd July 1940.

Examined by the Public Prosecutor.

I am the Sub-Inspector of Police, Dodballapur. I held the inquest over the body of the late Mr. M. Krishna Murthy on 5th March 1940. The relations of the 20 deceased were present when I held the inquest. They identified the dead body as that of Mr. Krishna Murthy's. The dead body was found by the side of the road between Makali Railway Station and the Subramanya Ghati in a gravel pit. Police Constable Sheik Mohideen P. W. 6 and P. W. 7 and another were watching the dead body when I went there for the inquest. The body was lying on its right 25 side. I found one silk coat M. O. 15, silk vest coat M. O. 16, a shirt M. O. 17 and a white banian M. O. 18. One collar M. O. 19 and neck-tie M. O. 20, a fountain pen M. O. 24. An yellow lead pencil M. O. 25 and a coir rope M. O. 1 tied to the legs, waist and the neck on the dead body. There was another cotton rope M. O. 5 tied tightly round the neck of the dead body. M. O. 5 had a loop and 30 one end of the rope had been passed through the loop and tightened round the neck. There was also an iron key M. O. 22 in the pocket of the vest-coat. There were a kerchief M. O. 21 and some cash M. O. 23. The fountain pen and the yellow pencil were lying by the side of the dead body. There was an injury at the top of left forehead of the body. I got the Dodballapur Doctor to the spot 35 and got the *post mortem* examination held there. I received Exhibit P-7 from P. W. 6.

Cross-examination.—Nil.

R. O. & A. C.

(Sd.) A. SUNDARARAJA RAO,
40 2-7-1940.

Deposition of Mr. H. M. Nurralla. (P. W. 9).

Father's name—Hyder Hussain Saheb.
Age—55.
Caste—Muslim.
45 Occupation—Inspector of Police.
Residence—Dodballapur.

Duly Sworn.
Dated 2nd July 1940.

Examined by the Public Prosecutor.

50 I am the Inspector of Police, Dodballapur. The body of the late M. Krishna Murthy was found within my jurisdiction. After inquest was held by P. W. 8 I took the investigation of the case and submitted an F. I. R. and registered a case for an offence under Section 302 of I. P. C. I then transferred the case to the Bangalore City Police.

55 *Cross-examination.*—Nil.

R. O. & A. C.

(Sd.) A. SUNDARARAJA RAO,
2-7-40.

Deposition of Anjani. (P. W. 10).

Father's name—Nanjappa.
Age—40 years.
Caste—Adikarnataka.
Occupation—Railway Gateman.
Residence—Dodballapur.

Duly Sworn.
Dated 2nd July 1940.

I am a Railway Gateman in the Arkavathi gate in the Bangalore-Hindupur line 23 miles from this place. I close my gate every day at 9-30 or 9-45 P. M. and also whenever the trains pass on the road. If any vehicles come at night, the men in the vehicle wake me up. I see M. O. 14 a motor car. This car came near my gate on a Saturday in the month of March 1940. It was then 1 or 1-30 A.M. after midnight. As soon as I opened the gate the car went away towards Goribidnur Road. It had come from Bangalore Road. That day was the second day of March 1940. Half or three-fourths of an hour later the same car returned towards Bangalore. The driver sounded the horn. I opened the gate and the car went away towards Bangalore. There were two or three persons in that car both while going and coming.

Cross-examination.—Nil.

R. O. I. & A. C.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940.

Deposition of Muniswamy. (P. W. 11).

Father's name—Venkatappa.
Age—35 years.
Caste—Thelugu Banajigar.
Occupation—Railway gate-keeper.
Residence—Yelahanka.

Duly Sworn,
Dated 2nd July 1940.

I am a Railway gate-keeper near Yelahanka. I see the car M. O. 14 near the Court. I see cars similar to M. O. 14 through my gate. I did not see any car similar to M. O. 14 passing through my gate before the Police examined me. This car had passed through my gate on the 2nd day of the month Saturday 4 months ago. That night I had closed my gate as the train was coming. It was then 2-30 or 3 A.M. Somebody sounded the horn of this car and asked me to open the gate. That car had come from Dodballapur side. Someone who had got down the car asked me to open the gate. I told him that he might wait till the train passed. Then he asked me for some water stating that the engine was heated. By that time the train passed the gate someone inside the car said that no water was necessary and the car was driven away. My brother Chickmunisami was with me then.

Cross-examination.—by Mr. H. G. R.

I can identify that car. I do not know its number. It is a white car. I identify it by its colour. I know to-day's date. It is the second of the month. My gate is 1½ miles from Yelahanka. I cannot say if the car came from Dodballapur or Devanhalli.

Cross-examination by others.—Nil.

Re-examination.—Nil.

R. O. I. & A. C.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940.

Deposition of Chikmunisamy. P. W. 12.

Father's name—Venkatappa.
Age—25 years.
Caste—Thelugubanajiga.
5 Occupation—Agriculturist.
Residence—Yelahanka, Bangalore Taluk.

Duly Sworn.
Dated 2nd July 1940.

P. W. 11 is my elder brother. I see M. O. 14 the car before Court. I had 10 seen this car one night near Yelahanka gate 4 months ago on the second March of this year. It had come from Dodballapur side at about 2 or 2-30 A.M. The gate had been closed then as the train was coming. The driver of this car sounded the horn. We told him that we would open the gate after the train passed. That driver is now before Court. He is approver Ponnambalam now before court. He 15 asked me for some water on the ground that the car engine had become hot. By that time the train passed. Some one in the car said that no water was necessary. Then the car went away.

Cross-examination.—by Mr. G. R. E.

Forty or fifty cars pass through this gate daily both in the day and night.

20 *Cross-examination.*—by Mr. H. G. R.

Cars of many varieties pass through this gate. The car came from Dodballapur side that night. The Railway gate is 1 mile from Yelahanka.

Cross-examination.—by Mr. G. C. R.

I saw the approver Ponnambalam only that night for the first time. I saw 25 him next in the lower court. I had not seen him in the interval. That night was a dark night.

Re-examination—

That night was a moonlight night.

Read over, interpreted to the witness and admitted by him to be correct.

30 (Sd.) A. SUNDARARAJA RAO,
2-7-40.

Deposition of Thimmiah. (P. W. 13.)

Father's name—Venkataramiah.
Age—40 years.
35 Caste—Vakkaligar.
Occupation—Driver.
Residence—Guttahalli (Chamarajpet), Bangalore City.

Duly Sworn.
Dated 2nd July 1940.

40 I am a motor driver under Mr. B. G. Ramakrishniengar, the First Munsiff here. My master's house is in Hardinge Road between the Mahila Seva Samaj and National School. There is a maidan between Mahila Seva Samaj and National School. I see the motor van M. O. 4 now before court. I had seen this van on Saturday the 2nd March 1940 in the maidan referred to above at about 7-30 or 45 8 P.M. The maidan can be seen from my master's house. This M. O. 4 the van which was standing in that maidan started then. Within half a minute after this van started I heard cries of 'ಅಯ್ಯಯ್ಯೋ' from that maidan. I was then near my master's shed. Hearing this cry I came to the gate. By the time I came to the gate the motor van M. O. 4 was going on the Hardinge Road towards South and 50 behind the National School. Then it took a turn towards the North Road and went towards Lalbagh.

Cross-examination.—by Mr. G. R. E.

I heard the noise which would be caused when the engine starts. I cannot say if the van was started either by self starter or handle. I did not see this van 55 before I heard the starting of the engine.

Cross-examination by others.—Nil.

Re-examination.—Nil.

Read over, interpreted to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO, 5
2-7-40.

Deposition of Mr. M. Ananthasamy. P. W. 14.

Father's name—Lakshminarasiah.
Age—28 years.
Caste—Brahmin. 10
Occupation—Clerk, District Registrar's Office, Bangalore.
Residence—Bangalore City.

Duly Sworn,
2nd July 1940.

I am now the acting Head Clerk in the District Registrar's Office. I live in 15 Basavangudi in the East Anjaneya Road. I have seen the motor van M. O. 4. I have seen also the National High School playground. On 2nd March 1940 a Saturday at 8 P.M., I was going on cycle in the Hardinge Road. I wanted to give some information to the foot-ball players. When I was going South towards the North Road, Basavangudi, I saw a motor van in the National School playground 20 similar to M. O. 4. I was going to Krishna Bhavan hotel to give information to some players of my team. On going to the hotel I found none of my players. I then went away towards the North Road. After I proceeded a little further I heard from the place where the van was standing a faint cry 'ಅಯ್ಯೊ'. Then that motor van came to Hardinge Road and overtook me and took a turn to the North Road 25 and went towards Lal-Bagh. I then observed the van to be a seven seater one with wooden body similar to M. O. 4. When the van overtook me I saw one person in the steering wheel. I could not see others.

Cross Examination.—Nil.

R. O. A. C. 30

(Sd.) A. SUNDARARAJA RAO,
2-7-40.

Deposition of S. Shama Rao. P. W. 15.

Father's name—S. Venkatakrishniah.
Age—30 years. 35
Caste—Brahmin.
Occupation—Clerk, Comptroller's Office.
Residence—Bangalore.

Duly Sworn,
2nd July 1940. 40

I am the son of Mr. S. Venkatakrishniah, retired District Judge. I am a clerk in the Comptroller's Office. On the evening of 2nd March 1940, I went on a stroll in the National School field at about 7-15 P.M. I was having my stroll there. At about 7-45 P.M. I saw a car entering this field. That car was similar to the van M. O. 4. The car entered the field by the Hardinge Road and took two big rounds 45 and then stopped facing the National School. I see Exhibit P2. The car stopped in the point P2-a shown in Exhibit P2. After the car stopped, the lights of the car were switched off. Five minutes later the car was reversed and it went forward again. It was again reversed. I then heard exchange of words between some persons. I heard the sound of somebody being beaten. Then somebody was shouting 50 out 'ಅಯ್ಯಯ್ಯೊ ಅಯ್ಯಯ್ಯಪ್ಪ.' Then the car started and began to move towards Hardinge Road. From there it turned left. I saw it again emerge in front of the circle in Basavangudi called Vani Vilas Circle. I saw four or five persons in the car at the place where it had stopped. I could not see if there were any when the car went near the circle. 55

Cross-examination by Mr. G. R. E.—Basavangudi Inspector examined me on the 4th March 1940. He wrote down something when he was talking to me. (Mr. G. R. E. wants a copy of the statement of this witness given before the Police. Public Prosecutor states that there is no such statement). The point Exhibit P2-a is 30 or 40 yards from the Hardinge Road. There are electric lights in the Hardinge Road. The point D in Exhibit P2 is 250 or 300 yards from the point A in Exhibit P2. The car was facing the National School. I did not lodge any complaint about the occurrence.

Cross-examination by Mr. H. G. R.—There is no drain between the field and the National School. There was no compound wall or the fence to the National School near the Boulevard. There is a compound wall to this school in front of it towards the circle. There is a gate in front of the school. Cars and carts can pass through this gate.

Cross-examination by Mr. G. C. Reddy.—I was within 150 or 200 yards from the place where the car was standing. It was a dark night. There are no lights in the field. The car stayed there for about five minutes.

Re-examination.—The National School faces Sri Krishnarajendra Road.

Read over to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940.

Deposition of C. K. Srinivasa Murthy. P. W. 16.

Father's name—C. Kappanna.
Age—26 years.
Caste—Brahmin.
Occupation—Assistant Secretary, Kannada Sahithya Parishat.
Residence—19, II Cross Road, Basavangudi, Bangalore City.

Duly Sworn,
2nd July 1940.

I reside in Basavangudi. On the night of 2nd March 1940 at 8 P.M., I was going towards Basavangudi in the Hardinge Road. Just in front of the Sankarpur Post Office which is to the South of the Mahila Samaj, I heard a cry coming from the field, *i.e.*, National School field. I looked into the field and saw a car similar to M. O. 4 coming from the field. The car came to the Hardinge Road some 200 yards in front of me. It went towards the North Road and went towards Lal-Bagh on the North Road. The car had no lights when it came from the field to the Hardinge Road. It had lights when it joined the road. The Post Office is about 150 yards from Mr. B. G. Ramakrishnaiengar's house.

Cross-examination by Mr. G. R. E.—The car was 150 yards from me when I first noticed it. I was examined by the Police three days after I saw this incident. The car got into Hardinge Road at the point C in Exhibit P2. I noticed the car first at the point D in Exhibit P2. The car was proceeding in the direction D. C., in Exhibit P2 when I saw it. I was at the point B in Exhibit P2 when I heard the cry.

Cross-examination by Mr. G. C. R.—I did not see any one else in the field then. But I saw some persons on the road. I did not enquire any one what the matter was. The incident struck me as strange. I did not try to ascertain what it was. I did not mention this to any one till I was examined by the Police.

Re-examination.—Nil.

Read over to the witness and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940

Deposition of Sharabanna. P. W. 17.

Father's name—Sidlabasappa.
Age—45 years.
Caste—Lingayet.
Occupation—Money-lender. 5
Residence—Attibele, Anekal Taluk.

Duly Sworn,
2nd July 1940.

I knew the deceased Mr. Krishna Murthi. I saw him for the last time in the Apex Bank at 7-30 or 8 P.M. on the night of 2nd March 1940. He was going in 10 front of the Apex Bank towards south and towards Basavangudi. He had then worn a coat, a panche, a turban and a walking stick.

Cross-examination.—Nil.

Read over, interpreted to the witness and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO, 15
2-7-1940.

Deposition of R. Sreenivasa Rao. P. W. 18.

Father's name—Ramiah.
Age—43 years. 20
Caste—Brahmin.
Occupation—Clerk, Kannada Translator's Office.
Residence—Bangalore.

Duly Sworn.
2nd July 1940. 25

I work in the Kannada Translator's Office. At about 7-45 P.M. on the night 2nd March 1940, I was going to Shankarpur to see my sister. I then met the ›ceased Mr. Krishna Murthi near Shankariah Hall in the Hardinge Road that night. he deceased had worn a white coat, a panche and a turban and had a walking stick. e was going towards Basavangudi. 30

Cross-examination.—Nil.

Read over to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940.

Deposition of Sriramalu. P. W. 19. 35

Father's name—Venkatesha Shastry.
Age—41 years.
Caste—Brahmin.
Occupation—Manager, Scout Head Quarters.
Residence—Chamarajpet, Bangalore. 40

Duly Sworn.
2nd July 1940.

The late Mr. M. Krishna Murthi was my maternal uncle. Some time after he missed I went to a spot in Makalidoorg and saw his dead body there. There was a key M. O. 22 in his waist coat. 45

Cross-examination.—Nil.

Read over to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO.
2nd July 1940

Deposition of Chikveeriah. P. W. 20.

Father's name—Puttappa.
Age—30 years.
Caste—Lingayet.
5 Occupation—Trade and agriculture.
Residence—Vibuthipura.

Duly Sworn.
2nd July 1940.

I know approver Ponnambalam and A-1. On 2nd March 1940, I had come to 10 the Court buildings here. At about 2 or 3 P.M. Ponnambalam was in Accused 1's car near the Court buildings. I heard that there was an attachment warrant for attaching Accused 1's car. I intimated this to Ponnambalam.

Cross-examination. Accused 1's brother Kodandarama Reddy told me of the attachment. He told me that the car was being attached. I spoke to Accused 1 15 that day at about 1 P.M. (This is voluntary.) I was examined by the Police 10 days after the occurrence. The Police recorded my statement. I have not told the Police or the lower court that I met accused 1 that day.

Cross-examination by Mr. V. V. S.—I am a merchant. I am not a friend of Ponnambalam. I know him from a year before 2nd March 1940. I am a friend of 20 Kodandarama Reddy. Ponnambalam did not know of the attachment till I told him of it. Kodandarama Reddy was in the side of his mother. Both were agains Accused 1. On that day Kodandarama Reddy was boasting that he was attach ing Accused 1's car. He did not tell me that he was disgracing Accused 1 by thi attachment. He did not assign any reason why he told me of this. He had come 25 to this Court building that day. He did not tell me that I should keep it secret. I am quite certain that I met Ponnambalam between 2 and 3 P.M. It could not be later than that. Accused 1 was not with Ponnambalam when I talked to the latter Accused 1 was inside the Court then. I gave information to Ponnambalam to warn him of the attachment. I did not advise him to take the car home. I did no 30 advise him what he should do under such circumstances. I came away after warn ing him. I was in the Court till 6 P.M. At about 4-30 or 5 P.M., when I went to the place where the car was, I did not see either the car or Ponnambalam there. A about 2-30 P.M., Kodandarama Reddy told me of the attachment. I did not see Accused 1 after that. I cannot say if Accused 1 was in the court building or not 35 after 2-30 P.M. I cannot say where he was then. I did not see Accused 5 that day. Ponnambalam did not tell me anything when I gave him the information. I did not tell him which lawyer got this attachment effected. I had no discussion with him about the attachment.

Re-examination.—Nil.

40 Read over to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
2-7-1940

Deposition of Mr. C. J. Misri. P. W. 21.

Father's name—Mr. J. P. Misri.
45 Age—23 years.
Caste—Indian.
Occupation—Farming.
Residence—"Rusthom Bagh" Kodihalli, Bangalore Taluk.

50 Duly Sworn,
3rd July 1940.

My place is about 6½ miles from the Court house. I own lands and do agricultural work. I know Accused 1 Narayana Reddy. Accused 1 is a farmer too. I know the approver Ponnambalam. I know him as Accused 1's driver. M. O. 4 the motor van is mine. I see the Talbot Car M. O. 3. It belongs to Accused 1. I 55 lent my motor van M. O. 4 to Accused 1 on 2nd March 1940 at about 6-45 P.M. Accused 1 came to me that evening in his Talbot Car M. O. 3 with his driver

Ponnambalam. Accused 1 told me that he would like to borrow my car to go into the village. He said that his car was giving some back axle trouble. I then lent my van M. O. 4. Accused 1 took my van and left his car with me. Ponnambalam went with Accused 1 in my van. There should have been then 2 or 3 gallons of petrol in my van. My van was returned to me the same night at 9 P.M. Both Accused 1 and Ponnambalam came and returned my van. I had then some conversation with Accused 1. Accused 1 told me then that he knocked over a goat and that he did not want it to be known that he had borrowed my van. I said 'alright'. Then Accused 1 and Ponnambalam went away in Accused 1's car M. O. 3. I saw Accused 1 the next day again in the Globe Cinema at 8 P.M. Accused 1 then asked me whether any one had come to inquire about my van. I told him that none had come so far. On 3-3-40 at 11 A.M. Sunday I saw Ponnamabalam when he had come to my house to return the motor pump which he had borrowed the night before from me as one of the tyres of Accused 1's car was weak. I spoke to Mr. Tustin on Sunday 3rd March 1940 about my van. Then on the afternoon of the 7th March Thursday I spoke to Mr. Darashaw, the Assistant Commissioner about my van. I read in the paper about Bangalore Advocate's murder and that a van had been used. I told Mr. Darashaw that my van had been used on Saturday the 2nd March by Accused 1 and asked him whether this was all important. I knew Mr. Darashaw for six months before that day. The police questioned me the same night 7th March 1940 about this van.

Cross-examination by Mr. G. R. E.—My van is used for going to Bangalore to get things for the farm. It is also used for carrying my farm produce to Bangalore. There would be nothing out of the way if gunnies, baskets and ropes are found in my van. I had mentioned to Mr. Tustin on Sunday evening that I had lent my van to Accused 1 before I met Accused 1 in the Globe Cinema. I did not tell then Accused 1 that I had mentioned this fact to Tustin. I do not think I have committed any mistake in the conversation I had with Accused 1 on account of further developments.

When Ponnambalam came to me with the pump on Sunday he told me that there was an accident the previous evening.

By Court—By accident I presumed that Accused 1 had run over a goat the previous evening.

Cross-examination by *Mr. V. V. S. I.*—

That was the first time on which Accused 1 borrowed the van from me. He had not told me before that he wanted the van. I cannot say if Ponnambalam was employed as a driver by Accused 1 and if he had any license.

Re-examination.—Nil.

Read over to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.

Cross-examination.—With permission by *Mr. V. V. S. I.*—

I cannot see how Ponnambalam came to my house on Sunday.

Read over to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
-7-1940.

Recalled, sworn and further Cross-examined. 2nd August 1940.

I purchased the second van in September 1939. Since then I am using for carryivg heavy loads. The last part of the road from Civil and Military Station to my estate is very bad. I have bullocks in my estate. I use ropes for the nose of the bullocks. Such ropes contain noose in the one end. My man would

be having spare ropes. He may have left them in the van but not to my knowledge.

Re-examination.—Nil.

Read over to the witness and admitted to be correct.

5

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
2-8-1940.

Deposition of Mr. T. M. S. Subramanyam. (P. W. 22.)

Father's name—T. Sundaram Pillay.
10 Age—55 years.
Caste—Hindu.
Occupation—Assistant Manager, the Mysore Bank, Ltd., Bangalore City.
Residence—Bangalore.

Duly Sworn.
15 Dated 3rd July 1940.

I am associated with the Mysore Bank since 1914. I am aware of the procedure adopted in the Bank with regard to its transactions. We do not keep any register showing all the documents produced to the Bank. With regard to powers of attorneys concerning accounts in the Bank we keep a register. Only important 20 letters are registered in the Bank. Letters containing instructions from Account-holders and those that require reply are registered as important ones. It is the Manager or Assistant Manager or the Accountant that decides which letter should be registered. I knew Muninanjappa, the father of Accused 1 for over 40 years. In 1934 Muninanjappa consulted me with regard to his investments. I advised 25 him to put his money in fixed deposits of one year in the Mysore Bank. Muninanjappa was a literate man. When he consulted me about his investments he was ailing. His hands had swollen. Subsequently he deposited about Rs. 85,000 in fixed deposits as per receipts Exhibit P. 8 to P. 16. The amounts were deposited by Gurumurthi, the son-in-law of Muninanjappa, on 5th November 1934. The 30 depositers names are found there. The corresponding fixed deposits are Exhibit P. 17 to P. 25. They are also dated 5th November 1934. Exhibit P. 17 to P. 24 are all in the name of his children by guardian Muninanjappa and his wife either on survivors. Exhibit 25 is in the name of Lakshmamma, the wife of Muninanjappa. In 1934 under special circumstance a person investing money in our Bank in fixed 35 deposit could draw the money before maturity. We do not allow such a thing now. The thumb impressions of Muninanjappa and of his wife were taken then in the specimen signature card as per Exhibit P. 26 by me on 10th December 1934 at their residence. The manuscript portion in Exhibit P. 26 is in my writing. I have not noted which thumb impressions were taken in Exhibit P. 26. It is usual to 40 take the left hand thumb impression; (No. 1) found in Exhibit P. 26 are the thumb impressions of Muninanjappa (No. 2) are the thumb impressions of Lakshmamma. On 28th May 1939 Accused 1 wrote the letter Exhibit P. 27 to the Bank. This letter was then forwarded to our then legal adviser Mr. B. Vasudeva Murthy. Exhibit P. 28 is a copy of the letter addressed to Mr. B. Vasudeva Murthy. Exhi- 45 bit P. 29 is the reply we received from the latter. Exhibit P. 30 is a copy of the reply we sent to Accused 1 (Mr. V. V. S. I. objects to the production of Exhibit P. 30 as it is a copy. Objection over ruled). Exhibit P. 31 is a letter written to the Bank by Lakshmamma on 17th June 1935.

(The P. P. wants to put in a typed copy of a letter addressed to its legal advi- 50 ser by the Bank. Mr. V. V. S. I. objects on the ground that it is a copy and that the original should be produced. This copy has to be treated as primary evidence under Section 62 of the Evidence Act).

Exhibit P. 32 is a copy of a letter we wrote to Mr. Vasudeva Murthy enclosing Exhibit P. 31. Exhibit P. 33 is the reply we received from our legal adviser. 55 Exhibit P. 34 is another letter received from Lakshmamma. Exhibit P. 35 is the reply we sent to Lakshmamma. Accused 5 wrote the letter Exhibit P. 36 on 5th November 1935 to the Bank about the fixed deposits. Exhibit P. 36 does not mention any enclosure. Exhibit P. 37 contains the advice given by Mr. Vasudeva

Murthy to the Bank regarding the disposal of the fixed deposits. Exhibit P. 38 is a draft of a reply to be sent by the Bank to Accused 5. This was prepared by our legal adviser. Exhibit P. 39 is another letter received from Lakshmamma by the Bank. Exhibit P. 40 is a carbon copy of the reply given by the Bank to Exhibit P. 39. Exhibit P. 41 is the prohibitory order we received from the District Judge, Bangalore on 18th November 1935. On 30th April 1936 we wrote a letter to Lakshmamma as per Exhibit P. 42. On 13th August 1936 we received a letter Exhibit P. 43 from Sharadamma. Exhibit P. 44 is a letter written by Lakshmamma to the Bank at about the same time. Exhibit P. 45 is a reply we gave to Sharadamma. The Bank received a letter Exhibit P. 46 from Mr. M. P. Somasekhara Rao on 13th November 1937. We wrote to the District Judge on the same day as per Exhibit P. 47. On 20th July 1938 we wrote letters Exhibit P. 48 and P. 49 to Lakshmamma. On 5th April 1938 we received an order from the District Judge as per Exhibit P. 50. Exhibit P. 51 is another letter written by Lakshmamma to the Bank on 4th July 1938. Exhibit P. 52 is another order sent by the District Judge to Bangalore on 13—14th July 1938. Exhibit P. 53 is a letter written by Lakshmamma to the Bank enclosing a certified copy of the order of the District Judge. On 15th July 1938 Lakshmamma and Sharadamma wrote a letter Exhibit P. 54 to the Bank. Exhibit P. 54 (a) is a note made by the Bank on Exhibit P. 54. Again on 19th July 1938 Lakshmamma wrote another letter, Exhibit P. 55. The District Court ordered the payment of Rs. 2,000 to Lakshmamma as per Exhibit P. 56, dated 29th July 1938. On 28th September 1938 we wrote a letter Exhibit P. 57 to the Court complying with its order on 1st—3rd December 1938 the District Court sent a further order raising the attachment on Rs. 10,000 as per Exhibit P. 58. On 18th December 1939 Lakshmamma wrote another letter to the Bank as per Exhibit P. 59. Sharadamma also wrote a similar letter Exhibit P. 60 to the Bank. Exhibit P. 61 is another letter written by Sharadamma and Lakshmamma to the Bank on 21st December 1939. Exhibit P. 62 and P. 63 are the replies sent to them. On 22nd December 1939 Lakshmamma sent two telegrames, one to the Bank and one to the Chairman as per Exhibit P. 64 and P. 65.

Exhibit P. 66 is a letter dated 22nd December 1939 written by Sharadamma and Lakshmamma to the Bank. Exhibit P. 67 is another letter written by them. On 23rd December 1939 we sent a reply as per Exhibit P. 68. I cannot say if we took any legal advice before writting Exhibit P. 68. On 23rd December 1939 the late Mr. M. Krishna Murthy sent a letter Exhibit P. 69 to the Bank regarding the fixed deposits referred to above. We then sent a reply as per Exhibit P. 70 to Exhibit P. 69 without any legal advice. On 24th December 1939 the late Mr. M. Krishna Murthy wrote another letter Exhibit P. 71. It was about the time when the Bank was about to be closed for Christmas holidays. The Bank then did not think it necessary to take legal advice on these matters. At that time we had a legal adviser who is now the fifth accused in the case, S. K. Venkataranga Iyengar. On 26th December 1939 we received another letter Exhibit P. 72 from Lakshmamma and Sharadamma. Exhibit P. 73 is a letter received from the District Judge stating that its prohibitory order had been cancelled as per orders of the High Court. Exhibit P. 74 we wrote a letter to the District Judge on 3rd January 1940 stating that the moneys had been paid over to the depositors. On the same day we wrote to Lakshmamma and Sharadamma Exhibit P. 75 calling them to receive the deposits. On 2nd January 1940 Accused 5 wrote a letter to the Bank refusing to offer legal advice in regard to these deposits as per Exhibit P. 76. Exhibit P. 77 is a copy of the will said to have been executed by Munindanjappa. It was produced by my Bank to the Court. If original wills are sent to the Bank they will be registered in the Bank but not if they are copies. I do not remember having received any copy of the will of Munindanjappa in the Bank. If the original will of Munindanjappa had been produced to the Bank it would have been registered. I have myself taken very few thumb impressions on specimen signature cards. We have no finger print experts in the Bank. We compare the finger prints and pay the deposits when necessary.

Cross-examination by *Mr. G. R. E.*: *Nil.*—

(He states he does not wish to cross-examine this witness on the ground that there are some civil litigation between Accused 1 and Lakshmamma.

Cross-examination by *Mr. H. R. G.* and *Mr. G. C. R.* : *Nil.*—

Cross-examination by Mr. V. V. S. I.—I know Accused 1 since 4 years. Accused 1 had come to the Bank in 1935 or 1936 regarding investments after the death of his father. Before the death of his father he had not come to the Bank. When he came to the Bank in 1935 or 1936 he had a talk with me in the Bank when he mentioned to me about the will. I do not remember the details of the conversation. He had come to the Bank about a couple of years after his death. I cannot say if I had seen Exhibit P. 27 when it came to the Bank. From the endorsements on Exhibit P. 27, I say that Mr. O'Brien, the then Manager had seen it. Exhibit P. 27 makes a reference to the will of Muninanjappa. We call for the original will whenever a will is referred to by our constitutents. I cannot say whether the original of the will referred to in Exhibit P. 27 was or was not called for. There is a fixed deposit department which deals with fixed deposits. Exhibit P. 77 is an extract of a will prepared by the officials in the Bank. There is no other copy of the will in the Bank to my knowledge. Exhibit P. 27 might possibly be an extract of the relevant portion regarding deposits in the Bank. I remember having told the clerks to take an extract of the relevant portions of the will. It must have been brought to my notice that the original or a copy of the will had been received in the Bank. I did not ascertain whether the original or the copy had been produced. I did not see either of them. I had not seen even Exhibit P. 77 then. The Bank did not bring to the notice of Lakshmamma or other members of her family about this alleged will. If the original will is called for by the Bank the parties generally produce it. It will be called only if the copy is produced. The Bank did not act at the instigation of any one in the several correspondence between the Bank and Lakshmamma and others as referred to above. We may have taken legal advice in these matters. Mr. Vasudeva Murthy was the legal adviser of the Bank till 1st July 1937. So far as Muninanjappa's family affairs are concerned we have taken legal advice only from Mr. Vasudeva Murthy. From my knowledge we have not taken any legal advice from Accused 5 in this affair. I do not remember Accused 5 having refused to act in the fixed deposits affair on the ground that he appeared for one of the parties. I have deposed in the lower Court that we had not consulted Accused 5 before 2nd January 1940 with regard to the fixed deposits in question. Since legal advice had already been taken from Mr. Vasudeva Murthy we did not take any advice from Accused 5. I do not remember having any order that no legal advice should be taken, from Accused 5 in this affair. I did not take the thumb marks found in Exhibit P. 26 myself. They were taken in my presence in Muninanjappa's house. Muninanjappa himself put the thumb marks. I connot remember who assisted him in getting the ink pad etc., for the thumb marks. I remember to have advised him and his wife to put the left hand thumb impressions. I am definite about it. I was watching them when they put their thumb impressions. I do not remember at this time whether they used their left thumb or right thumb then. I took Muninanjappa's thumb mark as his hands were swollen and he was not able to write. I have no knowledge of any transactions effected by Muninanjappa with his thumb mark.

Re-examination.—O'Brien is not in India. I do not know where he is. Other officials of the Bank may also take legal advice from the Bank advocate. I have stated in the lower Court that the thumb marks found in Exhibit P. 26 are of the left thumb beyond doubt. I am not able to say why I said so in the lower Court.

Q.—Prior to your answering that question in the lower Court had Mr. C. V. Narasimhaiengar interviewed you ?

A.—At that time he had come to the Bank but not with reference to this point.

Read over to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
3-7-1940.

By Court :

By 3rd January 1940 we had paid all the deposits to Lakshmamma and Shardamma and others. After that there was no correspondence by them with the Bank.

Read over to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
3-7-1940.

Deposition of Vajapeyam Venkatesaiah. (P. W. 23.)

Father's name—Vajapeyam Venkatadriah.
Age—49 years.
Caste—Brahmin.
Occupation—Timber Merchant.
Residence—3/9 Obiah's Lane, Cottonpet, Bangalore City.

Duly Sworn.
3rd July 1940.

The late Mr. M. Krishna Murthy was my brother-in-law. He had his chambers in Aralepet. Prior to his death he was residing in Basavangudi North Road. He was attending his chambers in the evenings. He used to walk home from the chambers usually from the Cottonpet Road through Chamarajpet and Hardinge Road. I came to know of his disappearence at midnight of 2nd March 1940. I tried to trace him in all the places he was likely to be found. I did not find him either there or on the next day. On 3rd March 1940 at 9 A.M., I phoned to the Central Police Station and asked the Police to trace Mr. Krishna Murthy. On 4th March 1940 I gave a complaint to the Police as per Exhibit P. 78. (Mr. G. R. E. objects to its admission. Objection over ruled as the investigation was started on this complaint). He states that Exhibit P. 7 and P. 78 cannot be F.I.R's.) On 5th March 1940 we saw the dead body of Mr. M. Krishna Murthy near Maklidoorg.

Cross examination by Mr. G. C. Reddy:

Mr. M. Krishna Murthy was healthy I could not say if he was robust.

Cross-examination by others.—Nil.

Re-examination.—Nil.

Read over, interpreted and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
3-7-40.

Deposition of Lingaiah. (P. W. 24.)

Father's name—Linge Gowda.
Age—29 years.
Caste—Vokkaligar.
Occupation—Peon, Senior Surgeon's Office, Bangalore.
Residence—Bangalore.

Duly Sworn.
3-7-1940.

I work in the Senior Surgeon's house in the North-Road Basavangudi. On 2nd March 1940 at about 8 P.M., I was going to Senior Surgeon's house from my house in Guttahalli. On my way I pass through the National School field on that night in that field I saw a van similar to M. O. 4. That van had no light while it was in the field. It was going at High speed towards Hardinge Road. Some one was crying loud 'ಅಯ್ಯೊಯ್ಯೊ ಅಯ್ಯೊಯ್ಯೊ.' I then stretched out my hand to stop the van. The van did not stop but got into North road and went towards Lalbagh at high speed. It switched on the lights on the road.

Cross examination by Mr. G. R. E.

When I was 3 or 4 marus in the field from the road I saw the van. The van was moving from the park side when I saw it and it had not passed the footpath then.

Cross examination by.—Two days later the Police examined me and recorded my statement. I had told the National School boys of this incident before I gave a statement to the Police. I told one boy of this. Two others were with him.

I cannot identify them.

Re-examination.—Nil.

Read over, interpreted and admitted correct.

(Sd). A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
3-7-40.

Cross examination with permission by G. C. R.

The boys came from the school hearing the galata. I told them of this then. There was none in the maidan then.

Read over, interpreted and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
3-7-40.

Deposition of G. Srinivasa Iyengar. (P. W. 25).

Father's name—G. Rangasami Iyengar.
Age—40 years.
Caste—Brahmin.
Occupation—Passing Officer, Bank of Mysore.
Residence—Bangalore.

Duly Sworn,
4th July 1940.

I am the Passing Officer in the Mysore Bank since 1934. I am working in the Bangalore Head Office. I was in the Fixed Deposit Section till 1938. Exhibit P. 79 contain the rules regarding fixed deposits and Bank tranctions in 1935. I remember having seen Exhibit P. 17 to P. 25 and P. 8 to P. 16. It was not the practice then to issue notice to depositors when the fixed deposits matured. In connection with the fixed deposit referred to in Exhibit P. 17 to P. 25 Accused 1 had written a letter Exhibit P. 27. There is reference to a will in Exhibit P. 27. We did not receive any original will at any time. Exhibit P. 30(a) a note in Exhibit P. 30 is in my writing Exhibit P. 29(a) also is in my writing. A reply to exhibit P. 27 was sent by the Bank in accordance with the draft reply given by Mr. Vasudeva Murthy. The latter returned to us the papers sent to him. A copy of the will referred to in Exhibit P. 27 had been produced to the Bank by Mr. S. K. Venkatarangaiengar Accused 5 on 5th November 1935, I state this by reference to Exhibit P. 35. From the copy of the will produced we made extracts as per Exhibit P. 77. Then we returned the copy to Accused 5. I do not remember if there is any reference in the Bank to show that Accused 5 produced the copy of the will and took it back. I must look into the file of papers. There is no such reference to my knowledge Exhibit P. 38 (a) note is in my writing. Exhibit P. 38 is a draft of reply sent by our legal adviser intended to be sent to Accused 5. Exhibit P. 38(a) means that the copy of the will received from Accused 5 by the Bank is returned to him. There is no mention in Exhibit P. 36 about a will copy having been sent along with it. Exhibit P. 28 is dated 11th November 1935.

We made an extract of the will copy so far as it relates to fixed deposit transactions. A portion Exhibit P. 77 has been written by me and the rest by another clerk Venkatachala Sastri. Exhibit P. 77(a) is in my writing. The copy of the will is not registered in the will register as only original wills are registered. I have not called for the original. As I was busy with other work I asked Venkatachala Sastri to copy out a portion. I decided what portions had to be extracted from the copy. I showed Venkatachala Sastri what portion he had to copy. Exhibit P. 80 contains the signature of Accused 5 Venkataranga Iyengar. It is dated 23rd September 1935. On 17th June 1935 and 9th July 1935 Lakshmamma wrote Exhibt P. 31 and P. 34 to the Bank. We have replied to her as per Exhibit P. 35 on 10th July 1935. I know Mr. C. V. Narasimhiengar Advocate. I had seen

him in the lower Court. I do not know Mr. B. T. Ramaswami. Mr. C. V. Narasimhiengar has been a director of the Bank for the last 6 or 7 years.

Cross Examination by—Mr. V. V. S. I.

There is no specific rule in the Bank when the original of any document has to be called for. This depends upon the discretion of the Authorities of the Bank. I am not an Authority in the Bank. Under instructions of the then Accountant P. W. 22 I did not call for the original will. His instructions were personal and oral. I asked him whether the original had to be called for. He said it was not necessary. Exhibit P. 27 has been initialled by Mr. O'Brien the then Manager. I saw Mr. O'Brien personally with regard to this letter. I knew then that there was a reference to the will in Exhibit P. 27. Mr. O'Brien has persued this letter then. He did not tell me then to send for the original will. I did not ask him whether I should send for it. The very day or next day I took instructions from P. W. 22 about the calling for the original will. Mr. O'Brien passed on Exhibit P. 27 to P. W. 22 as an Officer competent to deal with it. That was the reason for me for obtaining P. W's. 22 orders on Exhibit P. 27. No copy of the will had been enclosed along with exhibit P. 27. The Bank Authorities did not consider it necessary at that time even to call for a copy of the will. Even our legal adviser did not advise us to get either the original or the copy of the will. The Bank did not think it necessary to call for the original will or its copy at any time. Accused 5 sent the copy of the will with Exhibit P. 36 though the Bank did not want it and though Exhibit P. 36 does not mention the sending of 3 copy of the will along with it.

Exhibit P. 38(a) refers to the very copy of the will sent by Accused 5. Accused 5 did not demand the return of the copy of the will. We returned it to him of our own accord. I obtained instructions of P. W. 22 to return the copy of the will to Accused 5 as we had taken extracts of the relevant portions and as we had nothing more to do with the copy. So far as I know the Bank has not raised any question about the genuineness of the will or otherwise.

The words 'Either or Surviver' in Exhibit P. 17 to P. 25 are written in red ink simultaneously when the other portions in Exhibit P. 17 to P. 25 were written.

The portions in red ink referred to above appears like an interlineation. It is not initialled by any particular officer. I cannot say who has written the portion exhibit P. 80(a) Exhibit D. 1 a copy of the will bears the initials of Accused 5. It is dated 23rd September 1935. Exhibit P. 80 is also dated 23rd September 1935.

Re-examination.—

From the documents I say that Accused 5 sent the copy of the will. As this was a matter of general importance Exhibit P. 27 was referred by the Manager to the Accountant. I had not seen Exhibit D. 1 before. Exhibit D. 1 was marked as Exhibit D. 6 in the lower Court. I have deposed in the lower Court that I made extracts of the will Exhibit P. 77 after verifying from Exhibit D. 1. I have deposed correctly in the lower Court.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
4-7-40.

Deposition of Mr. Safi Darasha. (P. W. 26).

Father's name—D. K. Darasha.
Age—34 years.
Caste—Parsi.
Occupation—Assistant Commissioner and Sub-Division Officer, Dodballapur Sub-Division.
Residence—Bangalore.

Duly Sworn,
4th July 1940.

I am a Civil Servant in the Mysore State Service. I am the Sub-Division Officer of Dodballapur Sub-Division from the beginning of this year with Head quarters at Bangalore. I know P. W. 21 Mr. Misri.

I have seen the van M. O. 4. On 7th March 1940 I met Mr. Mirsi at the Bowring Institute. He wanted to speak to me privately. We both came out. He asked me what I knew about the Advocate murder case which had occured there. I told him that the Police were investigating the case. Mr. Misri said that he learnt that a Station wagon had been used in connection with the murder. He said he felt a doubt with regard to his Station wagon M. O. 4 and which he had lent to one Mr. Narayan Reddy at 6-30 P.M., on Saturday the 2nd March 1940. Mr. Misri said that Naryan Reddy owned lands next to his and that he livep at Ulsoor. He also told me that the said Narayan Reddy had returned the wagon at 9 P.M., on that Saturday night and that he noted that the van had done 36 miles by then after Narayan Reddy took it. I gave this information to the Police.

Cross-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
4-7-40.

Deposition of V. V. Srinivasa Iyengar. (P. W. 27).

Father's name—Venkatanarayana Iyengar.
Age—56 years.
Caste—Brahmin.
Occupation—Clerk, Fixed Deposit Section, Mysore Bank.
Residence—Bangalore.

Duly Sworn.
4th July 1940.

I am working in Fixed Deposit Section in the Mysore Bank. I succeeded P. W. 25 Srinivasaiengar in that Section. I took charge of all papers connected with the Fixed Deposits relating to Lakshmamma and her children. I see the copy of the letter Exhibit P. 81. I sent a letter similar to this to the District Court Bangalore.

I was in charge of the letter, Exhibit P. 82, written by Lakshmamma.

There is no list to show what all papers I received from P. W. 25. Out of 1,000 and odd fixed deposit specimen signature cards in the Bank 20 or 25 of them contain finger prints. When thumb marks of these depositors have to be compared with those found in the specimen signature cards I do so. I have not studied the finger print art. Neither have I read any book on it.

Cross-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
4-7-40.

Recalled sworn and further examined on 24th July 1940.—

I was in the Court when my Manager was being examined. Without permission of the Manager I was not referring any matter to the legal adviser. The legal adviser was giving opinion both in writing and orally. Requisitions for giving opinion also would be in writing sometimes and oral sometimes. I dealt with Exhibit P. 76. I asked orally the opinion of Accused 5 with regard to the fixed deposits referred to therein. That was the only occasion I asked for the opinion with regard to any of the fixed deposits as per Exhibits P. 17 to P. 25. At the right hand top corner of Exhibit P. 202 series the period of fixed deposit is noted. None of these cards indicate that the fixed deposits referred to therein are over 12 months. I see Exhibit P. 202 (7). The deposit under it must be for 12 months as no period is noted therein. In some cards I have noted the period of 12 months on the cards. In Exhibit P. 202 (22) nothing is noted at the right hand top corner. I

cards in Exhibit P. 202 series alphabets are put in the centre of the card for facilitating references.

Cross-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO, 5
Second Additional Sessions Judge,
24-7-40.

eposition of Y. S. Venkatachala Shastry. (P. W. 28.)

Father's name—Y. Srinivasa Sastri.
Age—32 years. 10
Caste—Brahmin.
Occupation—Clerk, Bank of Mysore, Bangalore.
Residence—Bangalore.

Duly Sworn,
4th July 1940. 15

I am working in the Bank since six or seven years. I have copied the entire Exhibit P. 77 except the portion Exhibit P. 77 (a). I have copied up the 5th line of page three and from the 4th page onwards in Exhibit P. 77. I was working in the correspondence department of the Bank then. During my leisure I started copying when I had come to the 3rd page I was called for some other work. Then 20 P. W. 25 copied a portion of it. I completed it the next day. As a matter of obligation I copied it when I had leisure. I copied it from a copy of the will. I have not noted in Exhibit P77 whether the testator had signed it or not. I have noted the names of witnesses in the copy. I have taken true extracts of the portions I copied those paragraphs pointed out by Mr. Srinivasiengar P. W. 25. He did not mark those paragraphs with any pencil. I copied Exhibit P. 77 by referring to Exhibit D. 1.

I do not remember having seen the portion D1(a). I cannot explain why I did not copy the words ರುಜುಮಾಡಿರುತ್ತಾರೆ.

Cross-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
4-7-40.

Deposition of Abdul Rahim. (P. W. 29.)

Father's name—Abdul Shukur.
Age—25 years.
Caste—Muslim.
Occupation—Taxi driver.
Residence—Bangalore Cantonment.

Duly Sworn,
4th July 1940.

I live in Brigade Road as a taxi driver under Mahamed Ibrahim. My taxi number is B. A. 3396. I keep my taxi in the Brigade road when it does not ply for hire. I know Accused 1 and I have seen Ponnambalam. Accused 1 was hiring my taxi occasionally. Accused 1 hired my taxi on 2nd March 1940 at 10-30 or 11 P.M. Accused 1 came then in his car M. O. 3 and stopped it at a distance. Ponnambalam was with him then. Ponnambalam came and called me saying that Accused 1 wanted me. I went to Accused 1. Accused 1 told me that he wanted my taxi. I said I would bring it. He told me that he would take my taxi and that I was not wanted. I told him that there was one gallon of petrol, Accused 1 told me that he would fill petrol to my taxi and that I should send the taxi with Ponnambalam. I then sent my taxi with Ponnambalam. The latter returned it early Sunday morning at 3 or 4 A.M. The taxi had then been covered with dust. I

asked him why it had become dirty. Ponnambalam said that they had gone a long distance and that he had put four gallons of petrol and that two gallons still remain in the car. He said the car had travelled 60 miles. Ponnambalam gave me Rs. 7-8-0 then and asked me to take the balance from Accused 1. I gave this sum to my master. That taxi is M. O. 14.

Cross-examination.—Nil.

Read over, interpreted and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
4-7-40.

Deposition of Mr. E. Ahobalanath. (P. W. 30).
Father's name—Mr. E. Sitharama Rao.
Age—31 years.
Caste—Brahmin.
Occupation—Advocate.
Residence—72, Commercial Street, Bangalore Cantonment.

Duly Sworn,
4th July 1940.

I am an Advocate in the C. and M. Station Courts since January 1933. I am related to the late *Rao Sahib* Suryaprakash, the Public Prosecutor. I joined his Office in 1933 and worked with him ever since Mr. Suryaprakash died in 1937. I am in sole charge of his Office after his death. I know Accused 1 and his mother Lakshmamma. Lakshmamma consulted me and Mr. Suryaprakash in July or August 1935 after her husband's death. She stated that there is some dispute between herself and Accused 1 and that Accused 1 was setting up a will which she believed to be a forged one and that the interests of the minor children had to be safe-guarded. The contest was between her and her eldest son Accused 1. No one represented Accused 1 at that time to my knowledge. She told Mr. Suryaprakash should take special care in the matter of the will as Mr. Venkataranga Iengar Accused 5 was responsible for getting up the will. Exhibit P. 83 is a notice issued to Accused 1 by Mr. Suryaprakash. It was sent by registered post and acknowledged by Accused 1 as per Exhibit P. 83(a). Exhibit P. 83 is dated 24th July 1935. A reply was sent by Accused 1 as per Exhibit P84, Exhibit P85, and P86, P87 and P88 are the letters sent by us to Accused 1. Exhibit P89 was one of the letters handed to us by Lakshmamma. Exhibit P 90 is a reply we received from Accused 1 with regard to one of the letters written by us. In this connection Exhibit P91 is a letter addressed to Mr. Suryaprakash by Accused 5. I wrote to Accused 5 on 17th July 1935 as per Exhibit P92 a copy of the letter Exhibit P92(a) the postal acknowledgment shows the receipt of our letter by Accused 5. Accused 1 replied to us stating that the will was with Accused 5. We did not get a copy of the will from Accused 5. There were no legal proceedings pending when Lakshmamma consulted first. We requested Accused 5 to produce a copy of the will or the original itself. We did not get any reply to our request. Exhibit P93 and P94 are postal acknowledgments showing the issue of letters to Accused 5 from our Office. Our Office tappal register shows that a letter was despatched to Accused 5 and another to Accused 1 on 10th August 1935. This entry is Exhibit P95(a). Some times later Accused met Mr. Suryaprakash in the C. and M. Station Courts. Then Accused 5 told Mr. Suryaprakash that the will was a lengthy one and that he could not get it copied and send a copy to him. He also said that Accused 1 and Lakshmamma are mother and son and that the matter could be settled amicably and that if he sent for Lakshmamma this could be settled.

This Accused 5 said after Mr. Suryaprakash wrote to him saying that he took it that there was no will. In the end though they met several times the copy of the original of the will was not produced to my knowledge. Several attempts were made by Mr. Suryaprakash to settle the matter. Accused 1 had to bring the accounts and he did not produce them.

Accused 1 Accused 5 and Lakshmamma met us twice or thrice in our chambers. Accused 1 was told to produce the accounts in October or November 1935. The last meeting was in November 1935. Accused 1, Accused 5 and Lakshmamma I and Suryaprakash were present then. Accused 1 had to produce the money lending accounts of Mr. Muninanjappa that day. He did not bring them. Lakshmamma refused to settle anything unless the accounts were produced. Accused 5 told Accused 1 to produce the accounts next morning. Accused 5 requested Suryaprakash to cause the fixed deposit receipts of the Mysore Bank produced by Lakshmamma. Suryaprakash asked Lakshmamma to bring the receipts. She at first and he insisted on her producing them next morning Lakshmamma brought the fixed deposit receipts Exhibit P17 to P25. Accused 1 did not turn up at all. Lakshmamma said that she would draw the money and hand them over to Mr. Suryaprakash rather than have it at the Bank as she feared that Accused 1 and Accused 5 were up to some mischief and that Accused 5 was responsible for all her troubles. Mr. Suryaprakash said that he would not believe this and that she should produce fixed deposit receipts next morning she produced the receipts. Neither Accused 5 nor Accused 1 came the next day as promised. They produced no accounts. Then Mr. Suryaprakash asked her to withdraw the deposits. This was at about 11-30 A.M.

At 3 or 4 P.M. that day Lakshmamma came to Suryaprakas and told him that the Bank would not pay the money on account of prohibitory order issued by the Court. A few days later Mr. Suryaprakas sent for the deceased Mr. M. Krishna Murthy and requested him to take up Lakshmamma's case. Then some guardianship proceedings went on in the City District Judge's Court. The deceased Mr. M. Krishna Murthy appeared for Lakshamma in these proceedings and Accused 5 appeared for Accused 1. In 1939 July, probate proceedings were started in the District Judge's Court C. and M. Station by Accused 1 in respect of the will of the late Mr. Muninanjappa. I was appearing for Kodandarama Reddy, younger brother of Accused 1, in the probate proceedings. The deceased Mr. M. Krishna Murthy was appearing for Lakshmamma in those proceedings. These proceedings had been posted to 4th March 1940 for evidence. Accused 5 was the important witness in the case and he had to produce the will to the Court. Further examination stayed.

Read over and admitted to be correct.

(Sd.) A SUNDARARAJA RAO,
Second Additional Sessions Judge.
4-7-40.

Witness re-called and further examined. Duly affirmed 5th July 1940.

I know Mr. M. Krishna Murthi used to hate Accused 5, but I do not know what Accused 5 entertained towards him.

Cross-examination.—By Mr. G. R. E.

Accused 1 did not give us any list of outstandings due to the estate of Muninanjappa. He did not even tell us the total debts due to the estate Laxmamma did not want the original documents. There was no talk of the bonds.

Cross-examination.—By Mr. V. V. S. I.

I was enrolled as Advocate in April 1933. I attended to every bit of Mr. Suryaprakash's office work. Mr. Suryaprakash had his office at his residence then. I did not know Laxmamma before she came to our office. I did not know Accused 1 also though I had seen him. The first act of Mr. Suryaprakash on behalf of Laxmamma was to issue a notice to Accused 1. Mr. Suryaprakash was a very careful Lawyer. It is stated in exhibit P 83 that Laxmamma was not aware of the Will or of its contents. This was written under her instructions. She did not say anything about any Will having been got up or executed when Muninanjappa was unconscious. If she had given any such instructions it should have been mentioned in exhibit P 83. She told us that that there was no Will at all and that no Will had been made. She did not tell us anything about any thumb impression at all exhibit P 84 is dated 29th July 1935. This is a reply to exhibit

P 83 given by Accused 1. We had the reply within 3 or 4 days after we sent exhibit P 83 to him. In exhibit P 84 Accused 1 has said that Laxmamma was aware of the execution of the Will and that she has attested it. The allegations were put to Laxmamma directly. Mr. Suryaprakash flared at Laxmamma on 5 receiving this reply. Laxmamma denied having attested the Will. I knew Gurumurthi, the son-in-law of Laxmamma on the same occasion Mr. S. Prakash flared against Gurumurthi and Laxmamma. When Suryaprakash flared up against Gurumurthi swooned. There was no talk of any attestation of the Will by Gurumurthi. It was not made known to us at any time that he had 10 attested it. Mr. Suryaprakash used strong words and so Gurumurthi swooned. Accused 5 was not present at that time or thereafter. I have not read the copy of the Will so far. The Will was not produced in the C. & M. Station court. I know the signature and writing of Accused 5. I see exhibit P 80. It is written and signed by Accused 5, exhibit P 80 it is seen that Accused 5 has furnished a copy 15 of the Will to Accused 1. In exhibit P 80, Accused 5 has made a note as per exhibit P 80 (a) stating that a copy of the Will had been sent to Mr. Suryaprakash. To my knowledge no copy had been received. I am positive that no such copy had been received in our office. If any letter had been handed over to Mr. Suryaprakash during my absence he would tell me of it when I met him next. Mr. Suryaprakash 20 did not tell me of having received any copy of the Will. Because he did not tell me of any copy I infer he has not received it. In any of our letter subsequent to 1st October 1935 to Accused 5 we have not demanded the copy of any Will. I remember exhibit P 89 was handed over by Laxmamma to Mr. Suryaprakash exhibit P 89 has been written by Accused 1 exhibit P 89 states that Accused 5 had 25 sent copy of the Will to Laxmamma. I do not know if exhibit P 89 had been explained to Lakmamma prior to its coming to our hands when she gave us exhibit P 89 we asked her whether she had received a copy of the Will she said she had not received it. We told her that exhibit P 89 mentioned that a copy of the Will had been sent to her. Further what she told us we gathered that what was 30 stated in exhibit P 89 was not true. We did not write to Accused 1 on to any one else about the non-receipt of the copy of the Will. The conduct of Mr. Suryaprakash in not writing about the non-receipt of the Will copy that he had not received it till then is rather inconsistent. But it was far a different reason that he did not write about it. Laxmamma produced Treasury bonds of the value of Rs. 30,000 and took 35 them back. There was no compulsion for her to produce them. I looked into them. These bonds bore endorsements of transfer in favour of Accused 1. The endorsements were dated 6th January 1935. The transfer was effected by the thumb-impression of Muninanjappa and attested by an Honorary Magistrate. This 6th January 1935 was a day after the date of the Will Laxmamma did not instruct 40 us to send any notice to any one with regard to these Treasury bonds. We did ascertain what her case was with regard to these Treasury bonds. We asked her about the thumb impression of Muninanjappa. She said that she knew nothing about the endorsements. Mr. Suryaprakash told Laxmamma that these bonds had been endorsed in favour of Accused 1 and that Accused 1 had endorsed them in 45 favour of himself and Accused 5 and Venkatasamappa—Laxmamma said that they should come to all her children. Laxmamma told us that 3 or 4 days before Muninanjappa's death Muninanjappa was unconscious. From the first interview Laxmamma had with us she was saying so. Mr. Suryaprakash asked Laxmamma had the bonds were endorsed on the 6th January 1935 when her husband was 50 unconscious before his death. She said that her husband was dying and that she did not know what these people did. This is all the explanation she gave. We did not pursue the matter further. The elder brother is the guardian under the Hindu Law of his minor brothers and sisters. We asked Laxmamma what rights she had apart from the will in her husband's properties. She said that Accused 1 55 was wasting the properties and that she wanted to safeguard the interests of the minors. We did not know the contents of the will then. When asked whether she was appointed co-executor she said she knew nothing about this.

Accused 5 told Mr. Suryaprakash that they both should bring about a compromise between Accused 1 and Laxmamma. There was a *bonafide* attempt at 60 compromise and several meetings were held. Accused 5 attended these meetings in Mr. Suryaprakash's house. Legal Proceedings were started even when we were attempting at compromise. The first legal Proceeding was the guardianship

application by Accused 1 and the motion for injunction. That was on the day after the last meeting for compromise. Even during compromise Laxmamma was keen on taking the fixed deposits out of the Bank. The condition for settlement was that Accused 1 should produce the account books the next day Accused 5 advised Accused 1 then that he must produce the account books. I cannot say if it is the default of Accused 1 or Accused 5 in not producing the accounts. Numerous other claims were made by Laxmamma against Accused 1. Subsequently several suits were instituted between Accused 1 and Laxmamma and against them. From the time Accused 1 filed a suit against one Seetharamiah and Laxmamma Accused 5 ceased to appear as a lawyer in any matter for Accused 1 in the C. & M. Station court. Accused 5 told me that he ceased to appear for Accused 1 as there were some misunderstandings between him and Accused 1. I was appearing for Laxmamma in that suit. Accused 5 had at first entered appearance for Accused 1 in that suit and then withdrew appearance. Accused 5 said in the beginning of 1937 that there were misunderstandings between him and Accused 1. In the beginning of 1937 Mr. M. Krishna Murthi told me that Accused 5 had produced the original will in the City District Court in a sealed cover. It is mere hearsay when I said that Accused 5 was an important witness and that he had to produce the Will. Mr. H. S. Narasiah, Advocate for Accused 1 told the Court that Accused 5 was an important witness and that he had to produce the Will.

Mr. H. S. Narasiah was representing to the court that he was summoning Accused 5 to give evidence and to produce the Will. Personally I do not know if Accused 5 had been summoned to give evidence in that case. Mr. M. Krishna Murthi was acting for Laxmamma in that case. I cannot say if the City Court had parted with its custody of the Will at any time. The Judge said that if Accused 5 has produced the Will to the City Court he might take it back and produce it in his court.

In probate proceedings the original Will is never given back to any party by the Court at any time. If a man is summoned to produce a document that person need not appear in person to produce that documents. He can cause its production through another. The Will was originally produced by Accused 5 in a guardianship case in the District Court.

Subsequently there was a Probate Proceedings with regard to this Will in the same court. From what I heard I thought Accused 5's presence was necessary in the C. & M. Station Court on 4th March 1940. I cannot say if Accused 5 was under any legal obligation to appear in that court on 4th March 1940.

In connection with affairs concerning Laxmamma I was acting as the junior of Mr. M. Krishna Murthi. I am aware personally of the part played by Mr. M. Krishna Murthi in all the litigation concerning Laxmamma. Mr. M. Krishna-Murthi took more than a professional interest in this litigation. I had occasion to find fault with him once for taking such interest. But he would not listen to me. He was telling me "You are a 'Bachha,' what do you know of these things" I think I had received a notice issued by Venkatasamappa to Laxmamma. Laxmamma gave it to me. I handed it over to Mr. M. Krishna Murthi. No reply was sent to this notice. No register of letters, etc., received in our office, is maintained.

I am a reader of the 'Hindu'.

Re-examination.

Later on the Will had been exhibited in an original suit in the City Court. Exhibit 96 is the Treasury bond (18 in number). Even subsequent to the date of exhibit 91 the copy of the Will had not been produced. As there was a talk of compromise Mr. Suryaprakash did not insist on reply being given to exhibit P 80. He felt that a reply might stand in the way of amicable settlement Laxmamma produced exhibit P 96 to us and took them back.

Read over and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
5-7-40.

Re-called sworn and further cross examined 18th July 1940. I said previously that no copy of the Will was received in Mr. Suryaprakash Office. The initials

exhibit D17a in exhibit D17 is mine. It is dated by me on 25th September 1935 exhibit D17 is a slip signed by me for having received some document. Exhibit D17 was addressed to Mr. Suryaprakash but I have initialled it exhibit D17 states that 1 letter with a copy of the Will of Muninanjappa dated 5th January 1935 was sent to Mr. Suryaprakash exhibit D17 is dated 24th September 1935. I do not remember if I received that letter but I am sure I did not received the copy of the Will. Even after seeing exhibit D17 I say I have not received a copy of the will I do not remember if I opened the letter referred to in exhibit D17. I might have or I might not have opened that letter. If I had received that letter in court I may have left it in his office without opening it. I have absolutely no recollection about having received this letter. In view of my acknowledgment in exhibit D17 I cannot definitely say that a copy of the will has not been received by me or Mr. Suryaprakash. I have not got the letter of 24th September 1935 sent by Accused 5.

In any such letter had been received and if a copy of the Will had not been found in it we would certainly have intimated the non-receipt of the Will copy to Accused 5 exhibit D18 the Postal acknowledgment contains the signature of Accused 1. I cannot say if the absence of reference to a copy of the Will in all our letters subsequent to October 1935 was due to the fact that a copy of it had been received as per exhibit D17. I see exhibit P89 a letter written by Accused 1 to his mother.

Re-examination.—I am aware of the proceedings in O. S. 113 of 1938 on the file of the Additional District Munsiff, Bangalore. That was a suit filed by Accused 1 against some one and Lakshmamma. Mr. M. Krishna Murthi appeared for Lakshmamma in that proceeding. I knew the signature of Mr. M. Krishna Murthi. I have signed the written statement signed by Lakshmamma in O. S. 113 of 1938. That is exhibit P. 164. I signed it on 30th July 1938. (The P. P. wants to file an affidavit filed by one Chowdiah in the said case as exhibit in this case. Mr. V. V. S. I. opposes this. This document cannot be exhibited through this witness as he is neither the party connected with it nor his advocate).

The Will referred to in exhibit P. 164 is that of Muninanjappa.

I am aware of the suit filed by Narayana Reddy, Accused 1 in O. S. 28 of 1936 on the file of the District Munsiff, Civil and Military Station. Exhibit P. 165 is the written statement filed by Lakshmamma in that case. I have written this statement. Mr. Suryaprakash has signed it. The Will referred to is that of Muninanjappa.

Cross-examination with permission.

Written statements in suits are filed under instructions given by clients. I cannot say if the counsels have no responsibility with regard to the contents of the written statement filed at the instance of parties. The allegations regarding the Will in these statements were made under instructions of Lakshmamma.

These written statements do not say that Lakshmamma was not aware of the contents of the Will. There is nothing to state there that a copy of the Will has not been furnished to her. All the papers concerning Lakshmamma were handed over to Mr. M. Krishna Murthi.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
18-7-40.

Deposition of Ramiah. (P. W. 31.)

Father's name—Munisami.
Age—22 years.
Caste—Dhobi.
Occupation—Dhobi.
Residence—Agara, Bangalore Taluk.

Duly Sworn,
Dated 4-7-1940.

I am a washerman by profession. I wash the clothes of A1, Narayana Reddy. I give a distinct mark to the clothes of each individual customer of mine. I see

M. Os. 26 to 28, panche, shirt and a kerchief. These M.Os. bear the distinct mark assigned to A1. The mark is $\overline{\wedge}$

Cross-examination by Mr. G. R. E.—There appear to be two dots in the mark M. O. 28. There appears to be cross below these dots. I do not know if other washermen use such marks. 5

Re-examination.—Nil.

R. O. I. and A. C.

A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
4-7-40. 10

Deposition of Kaveramma. (P. W. 32.)

Father's name—Munivenkatappa.
Age—20 years.
Caste } Dhobi.
Occupation } 15
Residence—Ulsoor, Bangalore Cantonment.

Duly Sworn,
Dated 4-7-1940.

I know A1. I wash his clothes. I continued to use the marks which another washerman previous to me had given to A 1's clothes. The clothes M.Os. 26 to 28 contain the mark assigned to A 1's clothes.

Cross-examinaiion by Mr. G. R. E.—The marks found in all the 3 M.O.s are identical.

Re-examination.—Nil.

R. O. I. and A. C.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
4-7-40.

Deposition of V. S. Ponnambalam (P. W. 33).

Father's name—V. P. Sampangi Mudaliar.
Age—29 years.
Caste—Mudaliar.
Occupation—Electrician.
Residence—19-A, Rama Krishna Mutt Road, Ulsoor.

Duly Sworn,
Dated 5-7-1940.

Examined by the Public Prosecutor.

I have given my residential address above. I was working under Accused (1) Narayana Reddy. I was cleaning his motor car. I have known him since 13 years. I work under him since 3 years. I clean his car and other odd jobs like electric repairs. One Krishnappa Reddy lives opposite to my house. Accused (1) frequently comes to Krishnappa Reddy's house. I also go frequently to Krishnappa Reddy's house. We became friends as we were meeting often in Krishnappa Reddy's house. After I was employed by Accused (1) and since one year I was living in Accused (1)'s apple garden in Appi Reddypalya. I know Accused (2) to Accused (5). Accused (2) works as mali in Accused (1)'s house. Accused (3) works in Accused (1)'s apple garden. Accused (4) also works in Accused (1)'s wet lands in Murigesapalya. Accused (5) is Accused (1)'s lawyer. I know this since three years. Accused (5) was visiting Accused (1) now and then. The occurrence took place on 2nd March 1940. On the morning of 2nd March 1940 I and Accused (1) Narayana Reddy came in Accused (1)'s car M. O. 3 to Gandhi Nagar and to Accused (5)'s house there. We wanted for Accused (5) for about 20 minutes near his house as Accused (1) wanted to see him. Accused (5) was not at home then. Then we came in the car

to Chikpet and stopped the car near the office of Mr. M. P. Somasekhara Rao, the advocate. I was in the car. Accused (1) went outside somewhere. Accused (1) was driving M. O. 3 then. After 10 minutes, Accused (1) returned and sat in the car. We then went to Accused (5)'s office in Chikpet in the same Road. Accused (5), Venkataranga Iyengar was not in the office. We were looking out for him for 25 minutes. He did not come even then. Then I and Accused (1) came in the car to Anand Bhavan Hotel in the same road. There we stopped the car and were getting into the hotel. When we were on the steps of the hotel we saw Accused (5) coming in a car from Avenue Road Circle towards Chikpet. That car was of maroon colour. Accused (1) then got down the steps of the hotel saying that Accused (5) was coming and that he should talk to him. By that time Accused (5)'s car stopped by the side of the hotel. Accused (1) went to Accused (5)'s car. I went near the car M. O. 3 (Talbot Car). Accused (1) and Accused (5) then came talking towards Talbot Car M. O. 3. They talked for about five minutes. While Accused (5) was about to go to his car Accused (5) told Accused (1) "ನೀಕು ಮೀಶಂಲೇದ, ಭಯಪಡವದ್ದು, ಕೋರ್ಟುದಗ್ಗರ ರಾ" (Have you no moustaches ? Don't fear. Come near the Court). After saying this Accused (5) went and sat in his car and horned. Then I and Accused (1) went into the hotel and had our lunch. By 10-45 A.M. that Saturday we came to the District Court buildings and we left our car under the mango trees there. I was sitting in the car all along. Accused (1) went inside the court buildings saying that he would meet Accused (5). At about 1-30 or 2 P.M. Accused (1) came out of the court building and told me that he would take some more time to meet his lawyer and that he should go and have our tiffin. I and Accused (1) then went to the hotel in the court premises and after finishing our tiffin I came and sat in the car. Accused (1) went again inside the court building. at about 3 or 4 P.M. Prosecution Witness No. 20, Chikveerappa, came to me and told me that there was an attachment order for Accused (1)'s Talbot Car. I then took away this car and left it in Accused (1)'s house. I again came back to the court premises at 4-30 P.M. by bus. When I came near the court I saw Accused (1) Narayana Reddy coming from the court premises. Accused (1) asked me where I had taken the car. I told him what Chikveerappa told me and said that on account of the attachment order I left the car at home. In Tamil Accused (1) asked me "ಅವಮಾನಪಣ್ಣರದಕ್ಕಿ ಇರಂದಾರಡ. ಅಪ್ಪಡಿ ಆನಾಕ ಲಾಯರು ಶೊನ್ನದಿ ಸರಿಯಾಯಿ ಪೋಚಿ. ಆಗರದಿ ಆಗಟ್ಟುಂ. ನೀಯೆನ್ನತ್ತಕ್ಕಿ ಭಯಂದಿ ಕಾರು ಎಡತು ಗೊಂಡುಪೋನೆ" I did not reply to him. Then I and Accused (1) came inside the court and went to Nazir's Room. There we saw a register in which there was an entry that there was an order for attachment of personal properties for a debt of Rs. 41-4-0. Accused (1) then told me to stay outside and that he would make enquiries about depositing the money. I then came out and stayed there. Then Accused (1) came to me. We both went in a bus to Ulsoor. We went to Accused (1)'s house. A little after we went there Accused (1) asked me to bring the Talbot Car M. O. 3. I brought the car from the shed and left it in front of his door. Then Accused (1) told me "ಲಾಯರ ಕಾಟ ತುಂಬಾ ಆಗಿದೆ, ಏನಾದರೂ ಮಾಡಬೇಕು" (The lawyer is worrying me. Something should be done). Then called Muniga, Accused (2), who was then in his (Accused (1's) house. When Muniga came, Accused (1) told him to go and get Accused (3) Rama. Then Accused (1) asked me to take the car and to fetch petrol from V. T. Padmanabhan's petrol bunk where he usually buys petrol on credit. I then took the car there and got two gallons of petrol by signing the indent chit. I brought back the car to Accused (1)'s house by 5-30 P.M. Accused (1) then got into the car. He brought an over-coat and a double barrel gun and gave them to me to keep them in the car. I kept them in the front seat. We started and went to Murigesapalya. On the way we met Domlur Patel who has been examined in the lower court. We made him sit in our car. We dropped him near domlur. We then went straight to Prosecution Witness No. 21, Mr. Misri's house. Accused (1) got down the car and went inside Mr. Misri's house. Before that Accused (1) had told me that we should take Mr. Misri's car and that all the things found in our car should be placed in Mr. Misri's car. I kept a petrol can, a rope, over-coat, and the gun in Misri's car M. O. 4. Accused (1) and Mr. Misri talked something. Later on Accused (1) asked Mr. Misri for his van or car M. O. 4. Mr. Misri lent his car to us. We left our car M. O. 3 in Mr. Misri's compound and taking his van M. O. 4 we came to Murigesapalya in it. We called Accused (4) Munimaddura there. He came and sat with us in M. O. 4. From there we all drove back to Accused (1)'s house. Rama and

Muniga Accused (2) and Accused (3) were staying there. Accused (1) told these two to get into the van M. O. 4. Accused (3) Rama had a rope with him then. I had kept that rope in the apple garden of Accused (1) in Appi Reddipalya to clean my body.

From there we all Accused (1) to Accused (4) and myself started and came near the Webb's Service Station in the South Parade. At that place Accused (1) told Accused (3) Rama as follows:—"ಲಾಯರ ಗಲಾಟೆ ಜಾಸ್ತಿಯಾಗಿದೆ. ಇವತ್ತು ತೀರಿಸಿಬಿಡಬೇಕು. ಬಂದದ್ದು ಬರಲಿ. ನಮ್ಮ ಲಾಯರು ನೋಡಿಕೊಳ್ಳುತ್ತೇನೆ ಎಂತ ಹೇಳುತ್ತಾರೆ." We purchased one gallon petrol in Webb's Service Station by paying cash and then passing through South Parade and Cubbon Park, Jail Road and Railway Station Road we came to Aralepet near Mr. Mokshagundam Krishnamurthi's office.

Further examination stayed for want of time.

Read over, interpreted and admitted to be correct.

(Sd.) A. SUNLANANASA RAO,
Second Additional Sessions Judge.
5-7-40.

Witness recalled and further examined. Duly affirmed.

We slowed down the car there. Accused (1) was driving the car then. Accused (1) told me to find out whether Mr. M. Krishnamurthi was in his office. Sitting inside the car I saw from the window of the car whether he was there. Usually if he was in the office he would sit near a door visible from outside. Since I did not see him in that place that day I told Accused (1) that Mr. Krishnamurthi was not in the office. We proceeded further south in the Cottonpet and crossed a junction of roads where a constable stands. That junction is 100 yards from M. Krishnamurthi's office and towards south near that circle I saw M. Krishnamurthi going walking. Accused (1) saw M. Krishnamurthi and told Accused (3) Rama as follows in Telugu:—ವೀಡೇ ಲಾಯರು, ಸಮಯಂ ಚಿಕ್ಕತೆ ಮುಂಚಿ ಜಾಗಲೊ ಮೊಟಾರುಲೊ ಎತ್ತಿವೇಸಕೋವಲ". Mr. M. Krishnamurthi was then wearing a panche, a coat and a turban and had a walking stick in his hand and sandals on his feet. We came as far as a lane in Taragupet bounded on one side by oil mills and on the other by the Church. There the van was stopped by Accused (1). Accused (1) told me to bend the number plate of the van M. O. 4. I bent the front number plate. He gave me a muffler and asked me to cover the hind number plate. I did not cover that plate. I kept the muffler in the pocket. Then we came in the van on a road which is opposite Minto Hospital. We went to a lane there between Balija Hostel and Sarada Samaj. From that lane we came opposite to Sanskrit College and stopped the van. We stayed near the Sanskrit College for some time. Then we saw M. Krishnamurthi going towards Basavangudi. When Accused (1) saw him, Accused (1) told Accused (2) to Accused (4) to get down the van and asked them to follow M. Krishnamurthi and that he Accused (1) would go in advance and went near the National School maidan and that they should at the proper moment catch hold M. Krishnamurthi and put him in the van. Accused (2) to Accused (4), got down the van and followed M. Krishnamurthi. A little latter Accused (1) told me also to follow them and that he would go to the National School maidan. I got down the van and followed them. Accused (1) went away in advance of us in the van. Accused (2) and Accused (3) were following M. Krishnamurthi. I and Accused (4) were following them a few yards behind them. When I entered the maidan I saw M. O. 4 the van in the National School maidan. We all went into the maidan some distance towards the van. M. Krishnamurthi also came near the van to cross the maidan to go to Basavangudi. When he came near the van Accused (1) reversed the van to attempt to dash M. Krishnamurthi. The back trap door of that van had been opened by then. M. Krishnamurthi escaped the van and went towards his left and avoided being dashed. The van again came and stood in its original position. Then M. Krishnamurthi came near the front door of the van and began to abuse. We were then at a distance of 15 or 20 feet from the van. Accused (2) and Accused (3) were behind M. Krishnamurthi then. Suddenly Accused (2) Muniga came and held the feet of M. Krishnamurthi. Accused (3) Rama held M. Krishnamurthi's chest from behind. M. Krishnamurthi

bawled out loudly 'ಒ'. The van then went a little to the front. Then Accused (2) and Accused (3) pushed M. Krishnamurthi inside the van through the trap door. By that time I and Accused (4) came to the van. Accused (4) also then pushed M. Krishnamurthi inside the van and got into the van. Accused (2) and Accused (3) also got into the van. I also got into the van by the same trap door. After getting in I was closing the trap door. Then Accused (3) Rama pressed with one hand the mouth of the M. Krishnamurthi and with the other hand he put a rope round his neck and was tightening the loop and drawing it. M. O. 5 is this rope. M. Krishnamurthi was then lying on his left side. Accused (4) Maddura was sitting in the centre and was holding M. Krishnamurthi's hands firmly. Accused (2) Muniga was sitting near the feet of M. Krishnamurthi and was trying his feet with a big rope M. O. 1. By that time I had closed the trap door and I came and sat in the front seat with Accused (1). The others also were inside the van. By that time the van came to the Hardinge Road and from there came to Basavangudi Circle and proceeded towards Lal-Bagh. Till we came near Basavangudi Circle M. Krishnamurthi was breathing hard. Then we did not hear any more breathing of M. Krishnamurthi. Then we came to the road by the side of the Lal-Bagh and entered the Mental Hospital Road. We crossed a circle near the Mental Hospital and took the Anekal Road. We travelled some distance in that Road and stopped the van. We again returned and took the Shoolay Road and came to Ulsoor. When we were coming in the Artillery Road where it joins the Cambridge Road, Accused (1) made me get down and asked me to find out if anybody had come to his house. I went there and returned and told him that none had come there. I found the van in the same place. I got into the van then. Accused (4) was not in the van by the time I returned. We all then went to the place where the buses stop behind R. B. A. N. M's School. There the van was stopped. There Accused (1) sent me to go to V. T. Padmanaban's petrol bunk and get two gallons of petrol. I went there and gave an indent chit as a spare chit and got the petrol and came to the van. We all then started in the van and passing through South Parade came to Murigesapalyam. From there we went further towards Konen Agrahara and there stopped the van near a Casuarina Tope by the side of the road. Then I and Accused (2) and Accused (3) removed the dead body of M. Krishnamurthi and kept in this tope. By that time M. Krishnamurthi was dead. M. O. 1 had been tied to the dead body all over the body and M. O. 5 was in its neck. Accused (2) and Accused (3) stayed there. I and Accused (1) came in the van and went to Prosecution Witness 21, Mr. Misri's house. Accused (1) went inside Mr. Misri's house. There were a turban, a panche, a pair of spectacles and a pair of sandals and a walking stick and a double barrel gun and an over coat and a petrol can in the van. I transferred all these things from the van to Accused (1)'s Talbot car M. O. 3. We left the van in Mr. Misri's house. Accused (1) borrowed the motor pump from Mr. Misri. I and Accused (1) then came in M. O. 3 to the place where the dead body of M. Krishnamurthi had been kept. Then we removed the dead body from the Tope into M. O. 3 just below the back seat where feet are rested and covered it with the overcoat. Then I, Accused (1), Accused (2) and Accused (3) went in M. O. 3 to the Air Service of V. T. Padmanabhan I got an inflator tube from there. Two cars came in the opposite directions and stopped in the Air Service Station. Then I returned the inflator tube and we all started further along the Cantonment under-bridge. We proceeded further in the Bellary Road and got into Dodballpur Road and travelled for 10 or 10½ miles. There is a board indicating a curve there and there is a foot-path leading to a casuarina Tope. We stopped the car there. Accused (2) and Accused (3) Rama and Muniga removed the dead body of M. Krishnamurthi from the car to that tope and kept in the tope. Accused (1) followed them. Then Accused (1) to Accused (3) returned to the car. We all returned to Bangalore. On our way we stopped the car near Hebbal Tank. Then Accused (1) told me that the saamans, *viz.*, turban M. O. 8, panche, spectacles, sandals M. O. 7, walking stick M. O. 6 should be thrown in the tank. I threw them near the water gauge stone in the tank and came to Bangalore. We stopped near Wren Bennet's building then. There Accused (1) made Accused (2) and Accused (3) get down. He told them that he would send a taxi with me to remove the dead body a little further away. I and Accused (1) came near the Globe Theatre. There he asked me to fetch Prosecution Witness No. 29, Abdur Rahaman the taxi-driver. I brought him. Then Accused (1) asked him to lend

his taxi M. O. 14 to him. Abdur Rahiman lent the taxi to him. I took charge of this taxi M. O. 14. Accused (1) went away to his house after giving me Rs. 15, etc., for petrol. I drove M. O. 14 myself without Abdur Rahiman towards Ulsoor. Then on the way I met Accused (2) and Accused (3). I took them in the taxi and came to V. T. Padmanabhan's petrol bunk and purchased four gallons of petrol paying Rs. 6-7-0 in cash. We then proceeded to the place where the dead body had been kept. We put the dead body of M. Krishnamurthy in the taxi and travelled towards Maklidoorg. We met the 3rd level cross gate on the way. As the gate had been closed we horned and asked the gate-keeper to open the gate. He opened it. We then continued the journey in the Subramaniah Ghati Road and went 200 yards in that road. It was very dark then. As we could not proceed further up on account of darkness I stopped the car. Accused (2) and Accused (3) removed the dead body from the taxi and put it by the side of the road. We then returned to Bangalore passing through the same level crossing. Then also I got the gate opened and crossed the Railway line. Then we came to the first level crossing from Bangalore side and there the gate was closed. We got it opened and asked for water for the radiator. As the gate man said that he would give it after the train passed, we came away to Bangalore without taking water. At the Trinity Church Accused (2) and Accused (3) got down the car. I gave away the overcoat M. O. 2 to Accused (3) Rama and asked Accused (2) and Accused (3) to go to Accused (1)'s house. I delivered the the taxi back to the taxi-driver P. W. 29 with the hire charge Rs. 7-8-0. I told the taxi-driver to take the balance, if any, from Accused (1). It was then 5 A.M. (Sunday). I went to Accused (1)'s house I saw Accused (2) and Accused (3) there. I told Accused (1) what all we did. Then I and Accused (3) came to Accused (1)'s apple garden with M. O. 2 overcoat. Then at about 7-30 A.M. (Sunday), I came near the rear gate of Accused (1)'s house. There I saw Accused (1) and Accused (5), Venkata Rangiengar, talking to each other near the gate. Accused (1) asked me to return the pump to Mr. Misri. When I was returning from the shed with the pump I saw Accused (5) getting into his car in front of Accused (1)'s house. I returned the pump to Mr. Misri at 10-30 A.M. I see M. O. 9, the ash-tray. It forms part of the Talbot car. On 7th March 1940 at 2-30 A.M. after midnight (*i.e.*, 2-30 A.M. on 8th March 1940) I was arrested by the Police. M. O. 9 was found in Hebbal Tank when some saamans were being removed from Hebbal Tank by the police at my instance. I pointed out on 10th March 1940 to the police the other articles, I had thrown in the Hebbal Tank. I did not know till M. O. 9 was traced that it had been thrown in the tank. After arrest I was produced before the *Ex-officio* First Class Magistrate here on 18th March 1940. On that day I was remanded to the Central Jail. Again on 19th March 1940 the police again placed me before the same Magistrate. He recorded my statement. (At this stage the Public Prosecutor wishes to tender as evidence the statement recorded by the Magistrate for the purpose of corroboration under Section 157 of the Indian Evidence Act. Mr. G. R. E. objects to this. Following the decision laid down in I. L. R. 58, Calcutta 228, I allow this statement to be admitted in evidence. I am supported in this view by the decision in I. L. R. 45, Cal. 766, also. Objection over-ruled). Exhibit P (97) is my statement recorded by the said Magistrate. Exhibit P (98) the petrol indent chit contains my signature. So also Exhibit P (99), P (98a) and P (99a) are the counterfoils of these two indent chits. The indent book containing Exhibits P (98) and P (98a) belonged to Accused (1). The other book containing P (99a) belonged to petrol bunk. I knew Accused (1) and Accused (5). They are friendly since three years. Each was visiting the other in connection with court affairs. Till 2nd March 1940 they were talking on court matters. As Accused (1) had entrusted case to Mr. M. P. Somasekhara Rao he was going to him. Though Accused (5) was not Accused (1)'s lawyer in the Court, Accused (1) used to consult Accused (5) and then engage another lawyer. On the morning of 2nd March 1940 Mr. Narasiah the Advocate for Accused (1) told Accused (1) that the Will case in the Civil and Military Station had come up for hearing already three or four times and that the case had been posted to 4th March 1940 and on that day Mr. Venkatarangiengar should appear in the Court and produce the Will.

Question.—Why did Accused 1 behave like this on the 2nd March 1940? *Answer.*—Whenever Accused 1 came near the office Accused 5 used to say that there has been much worry on account of the lawyer M. Krishnamurthi and that

the latter would not allow any compromise and that the lawyer has already proved that the Will is false. Accused 1 and Accused 5 were also talking that M. Krishnamurthi was filing cases against them. Accused 5 told Accused 1 that if the Will is held false the income of Rs. 5,000 or Rs. 6,000 which he was getting would go and that if the incomes of 4 or 5 years was deducted out of his share he would get nothing. Accused 5 also told Accused 1 that whenever he said this he (Accused 1) would go home quietly. Whenever Accused 1 returned from Accused 5's house, Accused 1 used to say to me that Accused 5 would not appear as a witness in court and that he also does not produce the Will to court and that Accused 5 wants something to be done. He used to tell me so often. Accused 1 and Accused 5 talked something like this on the morning of 2nd March 1940.

Cross-examination by Mr. G. R. E.—I have a brother-in-law Kantharaj in Narainpillai's Cross Street. Accused 1 possesses a revolver and a rifle for which he holds licenses. Accused 1 has driving license so far as I know since three years. Accused 1 is a fast driver. I had taken a driving license 5 months prior to 2nd March 1940.

Someone in Tustin's car called us on the evening of 2nd March 1940 when we were returning from Murugesapalya. M. O. 4 is a Ford van. The doors of this van have a rattling noise. Kodanda Rama Reddy was not present when P. W. 20 Chikveerappa spoke to me about the attachment of the car. I did not see Kodanda Rama Reddy that day. I did not see what the Nazir told Accused 1. Accused 1 was ready by the time I came to him with petrol filled in his car. Accused 2 and Accused 3 had not come when I brought the car to Accused 1 with two gallons of petrol to put into it that evening. After Accused 1 took the wheel for driving I sat by his side in the front seat. Domlur Patel sat in the hind seat. It was about 6-45 P. M. when we left Mr. Misri's estate. From there he drove slow to Mr. Webb's Service Station. Ulsoor is $2\frac{1}{2}$ or 3 miles from Mr. Misri's estate. Ulsoor is one mile from Mr. Webb's Service Station.

Cross-examination.—I heard the conversation clearly between Accused 1 and Accused 3. The rattling sound of the door did not prevent me from hearing accurately. I say positively that accused 1 said "ತೀರಿಸಬಿಡಬೇಕು" and not "ತಿರಿಗಿಸಿಬಿಡಬೇಕು." Accused 1 was talking usually both in Telugu and Kannada to Accused 3. I saw personally that Accused 1 wanted to dash M. K. Murthy by reversing the van. Accused 1 did not tell Accused 2 to Accused 4 in the Anekal Road when he stopped the van that they should bring out M. K. Murthi. I do not know if in that place there is Venkatasami Naidu's estate. Accused 1 did not abuse Accused 2 to Accused 4 there. We went in the Anekal Road only half a furlong from the Mental Hospital Circle. Accused 1 did not question Accused 2 to Accused 4 why they acted contrary to his instructions. M. K. Murthi's head was towards the engine in the van. From the steering wheel the floor of the van can be seen.

On the 16th or 17th March I told the police that I and other accused committed this offence. The Police Inspector recorded my statement in the Central Station. My signature was not taken. When I was in the Central Jail, the Police Superintendent told me that I could get a pardon. After I said everything to the District Magistrate I came to know that I would get pardon. The Police Superintendent asked me in the Jail whether I would state all facts truly. I said I would state the truth whether a pardon was tendered to me or not. I had no idea to confess when I was arrested. The police did not tell me to use the word "ತೀರಿಸಿಬಿಡಬೇಕು." The front number plate is visible even if the head lights are switched on. I have not deposed in the lower court that Accused 1 followed Accused 2 and Accused 3 when they placed the body in the Tope in the Dodballapur Road. Accused 2 and Accused 3 were not brought by Accused 1 from there with a view to leave the body there alone. It was not very dark near the National School then. It was not very dark on the road after we left Bangalore. I do not know if Accused 1 came to know for the first time that M. Krishnamurthi was dead when the van was stopped in the Anekal Road. I and Accused 1 did not consult in the Shoolay Road what to do then seeing that M. Krishnamurthi was dead.

Cross-examination by Mr. H. G. R.—I am a native of Vellore. I was born in Bangalore. I was not living in Vellore at all.

I was studying in Madras for one year in the V Form of an High School. I was in Bezwada for two months. I was in Bombay for one year. I worked in

Bombay in Chloride Electric Company. Accused 1 was studying in the Wesleyan Mission and National High School, Bangalore. I knew him since then. He left school in 1925. I have a house of my own in Ulsoor. I do not know who is in that house as I am not living in that house since one year. Accused 1 was of happy temparament. Accused 2 has a wife and a child. Accused 2 lives in the out-house of Accused 1. Accused 2 was telling me that his wife was residing in Appi Reddy Palya. Accused 3 has wife and children. I do not know if they live in Appi Reddypalya. I do not do any work in the apple garden. I and Accused 3 were not living jointly in the garden. Accused 2 had come to work under Accused 1 four or five months before the date of occurrence. Accused 3 had come to work under Accused 1 six months before the occurrence. Accused 1 was not entrusting any other important work to Accused 2 and Accused 3. There is no agreement for work between Accused 1 and Accused 2 and Accused 3. Accused 3 was getting as his salary one-eighth of the realisations of the apple crop. The apple trees in Accused 1's garden are six year's old. Accused 1 was quite happy when he left his house at about 8-30 A.M. on 2nd March 1940. When we went to Accused 5's house that morning we saw a Hindu and a Labbe in a taxi. That taxi was near Accused 5's house. There was none by my side when I left the car under the mango tree in the court premises. I did not see any one with Accused 1 after he got down the car in the court premises. On the evening of 2nd March 1940 I saw only two ropes M.O.s 1 and 5. When he came from the Court that evening he was in a pensive mood. I do not know the name of the Domlur Patel. We call him patel but he does not work as patel. In Murigespalya houses are close to each other. All the houses are occupied. I cannot say whom we met in Murigespalya when we went to fetch Accused 4. We saw little children on the way there. There is a direct road from the Mental Hospital Circle to Shoolay. I do not know if that road is towards north. I do not know if the road that passes through that circle goes to Hosur straight. I am told it is Hosur Road. I do not know if it is a big road. I do not know if Shoolay Road is narrower. I said in the Lower Court that we passed through 'Hosur Road.' There is a constable in front of Ulsoor Police Station. There was no Police constable in the Basavangudi Circle then.

We passed through a constable near the All Saint's Church. We have to slow down there and go round a circle and the constable standing there. We did not find any people near the bus stop behind R. B. A. N. M.'s School. I do not know which those two cars we met near the petrol bunk. Accused 3 occasionally comes to Accused 1's house if he is sent for. There is no reference to show that I lived in Accused 1's garden. No one writes to me letters. I have not written letters to any one. I get letters from the Police office about my license. They are not addressed to my garden residence. No one saw me when I went to the garden at 5 A. M. on Sunday the 3rd March 1940.

Cross-examination by Mr. G. C. R. Reddy.—There was very little electric work under Accused 1. Accused 1 had confidence in me. I used to go with him whenever he went to the court, lawyer's offices and other places. I was faithful to Accused 1. Why should I be sorry if Accused 1 felt depressed? I did not refuse to join Accused 1 in this dastardly act. Accused 4 had to get as his wages one-fourth of the paddy grown in Accused 1's land. Accused 1 may have 25 acres of wet land near Murigesapalya. Four or five others along with Accused 4 cultivate these lands on the same terms as that of Accused 4. I did not see any adults when we picked up Accused 4 at Murigesapalya. I did not tell Accused 4 why he was wanted. Before me Muniga Accused 2 did not go from Accused 1's house to fetch Rama Accused 3. Accused 1 talks both Telugu and Kannada at home. I do not know if Accused 1's mothertongue is Telugu. The women and children in his house talk both Telugu and Kannada. I know Accused 2 and Accused 3 and Accused 4 talk Telugu and Kannada. They talk to each other in either of these languages. I do not know what languages Accused 4 talks at home. Accused 2 and Accused 3 were following M. Krishnamurthi at a distance of five or six feet near the Sanskrit College. I and Accused 4 were at a distance of 25 feet from Accused 2 and Accused 3. It was not out of fear Accused 4 was going behind. He was asking me what would happen if any body saw him and what the police would do if they saw him. I went to the van when Accused 2 and Accused 3 were putting Krishnamurthi inside the van. M. Krishnamurthi was lean. Three people were

needed to lift M. Krishnamurthi into the car. When M. Krishnamurthi bawled out, Accused 4 held him. I moved inside the van itself to the front seat. I did not come again to the back portion of the van. I got down from the side door in the Artillery Road and I got up through the same door. There is a seat in the rear portion parallel to the front seat. None of the Accused, Accused 2 to Accused 4 were seated on that seat. When Accused 1 instructed Accused 2 to Accused 4 they were seated on the floor below the back seat and between the driver's seat and the back seat. Accused 3, Accused 2 and Accused 4 were seated in order one behind the other. They were facing towards the steering wheel. I did not go with Accused 1 in the car either on the 3rd or 4th March 1940. I came back to Accused 1 after returning the pump to Mr. Misri. I stayed with him for a while talked to him and went away to my house. I used to see Accused 1 between 3rd and 7th March in his house. Till the 17th March I was in Police custody. I saw Accused 1 in the Police Station on 8th March 1940. I and Accused 1 were kept in separate rooms in the Station. I do not know if Accused 4 had seen M. Krishnamurthi before that day. Further examination stayed for want of time.

Read over, interpreted and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
8-7-40.

Witness recalled and further cross-examined by Mr. V. V. S. I., Advocate for 5th Accused.

Duly affirmed.
9-7-40.

I am conscious that I should have been in the dock with the other because but for the pardon given to me. I do not know if the police got the pardon for me. There was no talk by any one with me before the Magistrate tendered pardon that I would be given pardon. No one told me before that if I speak the truth, I would be given pardon. I spoke the truth fully knowing that I would be convicted if I spoke the truth. On 1st April 1940 I agreed to speak the truth in this manner 23 days after I was arrested. I spoke the truth without any threat or persuation from the police. I did not expect any gain by speaking the truth. I am not grateful to those that tendered pardon and save me from a possible conviction. It is indifferent to me whether I got the pardon or whether I was convicted. I am not indifferent to my future. I know there is difference between a free life and life in the jail. I have to undergo remorse and am, therefore, indifferent. I had such a remorse since I committed this offence on 2nd March 1940. I got this remorse at 8-30 P. M. on that day after M. Krishnamurthi was pushed into the car. After he was lifted in the car his mouth was closed and strangled. I did not attempt to prevent this dastardly act. I was a consenting party and was sitting by his side. I cannot say if any one else except the accused have seen me what I did to Krishnamurthy. So far as I know none else knew this. I did not attempt to save him. Accused 1 did not see the rope being tied round the neck of M. Krishnamurthi. I did not tell Accused 1 that the rope was being tightened round the deceased's neck. Accused 1 did not tell me that he should not be killed. As the Accused 1 to 4 had already talked over this, I thought they had come to murder the deceased M. Krishnamurthi. When I left Accused 1's house on the evening of 2nd March 1940 with Accused 1, Accused 1 said that something should be done to M. Krishnamurthi I did not ask Accused 1 what that something meant. It was not the idea of Accused 1 to disgrace the deceased merely. By something I understood that Accused 1 would do some harm to M. Krishnamurthi. I understood by that 'something' that M. Krishnamurthi would be put to death. Whatever Accused 1 meant by that something I understood and I was under the belief that Accused 1 had the intention of causing the death of M. Krishnamurthi. It was with the deliberate purpose of murdering M. Krishnamurthi that I started that evening. There was no compunction then in my mind.

I have no remorse in my mind for having betrayed my co-perpetrators of the crime. I am not a traitor to them. I told Mr. Misri, P. W. 21, that the taking of the van by Accused 1 should not be divulged to anyone. I said so as desired by Accused 1. Accused 1 had no idea when he took me into confidence that I would betray him. I am not deposing the story taught by the Police with a view to save my life. My age is 29 years. I have not passed under any other name since these 29 years. I am not passed either as Govindasami or Ponnurangan or Arogyasami or any other *alias*. Exhibits D2 and D2 (a) are the thumb impressions of my left thumb and of my right thumb respectively taken before Court. (The defence Counsel want to contradict the previous answer of the witness). I am a Madrasi, as I am a native of Vellore. Amongst other places, I had been to Hyderabad (Deccan), Madras, Bezwada, Bombay and Nagpur. I have not seen Bezwada but I was at a distance of 30 miles from Bezwada. In Hyderabad I was working as electrician in a motor garage. I was also a talkie operator there. In Nagpur, I was an electrician. I was working in Bombay as a battery mechanic. I went to a place near Bezwada to rewind a dynamo. I was getting Rs. 60 as my highest salary in Bombay. At Hyderabad and Nagpur I was getting Rs. 35 a month. Accused 1 was giving me Rs. 10 a month. I was a motor cleaner under him. Inexperienced boys begin as cleaners on a salary of Rs. 7, 10 or 15 a month. The Chloride Electric Company, Bombay, was transferred to Nagpur. In the latter place I and the Engineer did not pull on well. So I requested the Company to send me away. They sent me away with a certificate. I stayed in Nagpur for some time doing work privately. From there I went to Hyderabad and worked in a motor company. That company was closed. I joined a theatre there. There I was not paid regularly. My father was writing to me to come to Bangalore and get a job here. My father died 3 years ago. One month after I came to Bangalore. I cannot say now in what month I came to Bangalore. I came in 1936 or 1937. I have not kept any accounts. I own an ancestral house only. I have no other property. I am not married. My mother's brother who is of my age is not yet married. I knew motor driving a year before I obtained the license. Though I had a license I continued to be a motor cleaner. For the first time in my life I was arrested on 8th March 1940. I do not know what is meant by tendering pardon to the accused. I learnt what it meant only when the District Magistrate told me. I did not hear of it earlier. What the District Magistrate told me and what I told him are all on record. I had not seen or known Accused 5 before I entered service under Accused 1. I cannot say the date or month or time when I came to know Accused 5 for the first time. I saw Accused 5 for the first time in the office room of Accused 1 and in his house. I know Mr. M. P. Somasekhara Rao. I came to know him after I saw Accused 5. I came to know Mr. M. P. Somasekhara Rao after he began to act as legal adviser to Accused 1. I knew Mr. H. S. Narasiah, advocate, as he lives by the side of Accused 1. I began to know him after I saw Accused 5 but before I saw Mr. M. P. Somasekhara Rao. When I saw Mr. Narasiah, he was acting as lawyer on behalf of Accused 1 in the C. & M. Station Court. I have not seen Somasekhara Rao going to the residence of Accused 1. Mr. Narasiah was coming there. Accused 1 was going to the office of Somasekhara Rao. I used to be present when Accused 1 had consultations with Mr. Somasekhara Rao and Mr. Narasiah. They used to talk both in their office and outside. Mr. Somasekhara Rao told Accused 1 to bring the file relating to probate proceedings. Mr. Narasiah was discussing with Accused 1 Seetharamaiah's Civil Case. Accused 1 changed his lawyers from Accused 5 to the other two referred to above after I began to work under him. I knew there was no misunderstanding between Accused 1 and Accused 5 when Accused 1 changed his lawyer Accused 5. Accused 5 told Accused 1 that he would not act for him and that he must engage another lawyer. There is also another reason for it. Even after Accused 1 engaged two other counsel, Accused 1 and Accused 5 used to meet. I cannot give the details of any particular meeting. I cannot say if any one else has seen Accused 1 and Accused 5 meet after Accused 1 engaged two other counsel. I am not aware of any letters that passed between Accused 1 and Accused 5 after Accused 1 engaged the other two counsel. I am not aware if any fees was paid by Accused 1 to Accused 5 for professional work done after Accused 1 engaged the other two lawyers. I am not aware if Accused 5 put the Will of Muninanjappa into the District Court on 4th March 1937. I do not know where the original

Will was. This year in the month of February in the District and Sessions Cour Accused 1 and Accused 5 met when a case was going on there. Mr. Nugent Gran was being assisted by Accused 5. Accused 1 and Accused 5 came outside th Court and talked. I do not know why Accused 1 had come there. I cannot say hov many days before 2nd March 1940 this conversation took place. I do not remembe what they talked then. I have seen them talk again after that conversation anc before 2nd March 1940. I cannot give the dates of these meetings. I do no remember if any one else was present then. I have stated in Exhibit P (97) tha Accused 1 went to Mr. Somasekhara Rao's Office on 2nd March 1940 in the morning. I have now deposed where Accused 1 went to, at that time. Both statements are true. Accused 1 got up some steps of the staircase leading to Somasekhara Rao's Office and then got down and went somewhere. That is why I said I do not know where Accused 1 went. I do not remember if Mr. Somasekhara Rao was the lawyer for Accused 1 in the case in which the attachment of Accused 1's car had been obtained. It was Mr. M. K. Murthi as the lawyer for Accused 1's opponents that got the order for attachment of the car. I do not know if Mr. Somasekhara Rao told Accused 1 that his car had been attached to put him to disgrace. I cannot say if Mr. Somasekhara Rao was acting for Accused 1 or not in that particular case. After I told him of the attachment Accused 1 said that what the lawyer had told him became correct (ಸರಿಹೋಯ್ತು).

I did not understand from what Accused 1 said that the lawyer referred to by him was Mr. Somasekhara Rao. Ananda Bhavan hotel is situated in the midst of the busiest part of Bangalore. Usually this hotel will be crowded both in the morning and evening. All kinds and classes of people come and go to that hotel and there is no control over them. We saw Accused 5 by accident near that hotel. I do not know in whose car Accused 5 came there. It was a taxi in which he came. I can identify the taxi driver but I do not know him. Two others, a Hindu and a Labbe were in that taxi in which Accused 5 came there. I do not know these two. I cannot identify them. They looked like respectable people. Accused 5 was seated near the taxi driver in the front seat. The other two were sitting in the hind seat. The taxi came from the east of the Avenue Road Circle. Accused 5 had no other business in Ananda Bhavan when Accused 5 came there. I and Accused 1 were in front of Ananda Bhavan hotel. I do say that Accused 5 got down the taxi. Then Accused 1 and Accused 5 talked for about 5 minutes. When they were talking I was standing near Accused 1's car. I did not hear what all they talked there. I only heard Accused 5 saying 'ಮೀಶಂ ಲೇದ' etc., as stated above. Then I and Accused 1 went to the hotel and Accused 5 went away. No one else has heard Accused 5 saying to Accused 1 " ಮೀಶಂ ಲೇದ, etc., as stated above ". The occupants of the taxi too did not hear it as the taxi was far off from Accused 1's car and at a distance of 35 feet from it. The taxi driver had gone away somewhere. I did not see him then. I did not see that driver smoking cigarette. I did not refer to the conversation between Accused 1 and Accused 5 regarding what Accused 5 was telling Accused 1 whenever he met him earlier in any statements of mine as no one questioned me about it. (This is referred to sheet 12 of this man's deposition).

Question.—No one questioned you yesterday why did you mention it? I was questioned and so I stated it. I am aware of the order passed by this Court on 5th July 1940 holding that certain statements are inadmissible. I am not aware of any such order. I heard only the arguments addressed by Mr. V. V. S. I. on this point. No one advised me to depose that I heard with my own ears what Accused 5 is said to have told Accused 1. That order of the Court had nothing to do with the statement I made yesterday (at sheet 12 of the deposition). Accused 5 sounded the horn of the taxi near the Ananda Bhavan. I have not referred to this in my other statements. No one instructed me that Eusuf Sab had deposed in the lower Court that Accused 5 sounded the horn of the taxi. In Exhibit P. (97) I have stated that Accused 1 went at 2 P.M. to the court stating that he had to talk to Accused 5. I saw Accused 5 near the court on 2nd March 1940 after 4-45 P.M. I saw him in the stair case leading from the Public Prosecutor's Office. I have not referred to this before. I was not present that day at a meeting between Accused 1 and Accused 5 in the Court. At 2 or 3 P.M. Chickveerappa told me of the attachment. He did not ask me to take the car home. I have deposed in the lower Court and in Exhibit P. (97) that Chickveerappa advised me to take the car

home. Both those statements and my statement in this court are true. Accused 1 got wild with anger when I told him that on account of attachment I had taken the car home. Accused 1 then said that these people wanted to disgrace him with this attachment. Accused 1 found out that the attachment was for lawyer's costs. I understand that by lawyer it was Mr. Mokshagundam Krishna Murthi.

From that moment Accused 1 began his preparations for the commission of the offence in question. There was no preparation for the commission of this offence prior to the moment of Accused 1 getting angry at the order of attachment of his car. There were only talks. I do not know if any one else has heard the talks. The words 'personal property' are used in the Nazir's register. Personal property means the car. I have deposed in the lower Court that I saw in the Nazir's register that the car had been attached for Rs. 41-4-0. When we were getting into the bus from the court premises Accused 1 told me that I should go with him and that he wanted to put Mr. M. K. Murthi into the car. I agreed to go with him. At that time we did not know where Mr. M. Krishna Murthi would be, either in his office or elsewhere. I did not know at that time what movements Accused 1 would make then.

Cross-examination stayed as it is lunch time now.

Read over and admitted correct.

(Sd). A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
9-7-40.

Recalled, sworn and further examined.

I have not deposed in the lower Court that we waited near Accused 5's house for 20 minutes, and at the office for 25 minutes. This fact is true. I have not stated in the lower Court that we looked for Accused 5 at his house and went away as he was not there and that we came to his office and as he was not there we went to the hotel. Both these statements are true. The apple garden of Accused 1 is 1½ furlongs from his house. I did not sleep at all after 5 A.M. on Sunday morning. I have not stated in Exhibit P (97) that Accused 1 and Accused 5 were talking near the rear gate of Accused 1's house. I have stated that they were talking.

As I recollected from my memory that these three were taking at the rear gate I deposed so. This was not at the suggestion of the police. I saw the car which Accused 5 entered after the conversation. I said previously that it was his car. I do not suggest that it was not his car. The car went by the front gate. I have not stated anything as to what they talked then. When Accused 1 and Accused 5 were talking the people in Accused 1's house were present in the compound. No outsider was present. I was not examined by the police on the 8th March 1940. On the 9th and 10th March they were asking me what I knew about the case and they were noting what I said in a note book. On the 17th March 1940, my statement was recorded. On the 9th and 10th March 1940 I was taken to Hebbal tank. On the 9th March I was taken there after I told the police of the things hidden there. On that date nothing was found there. It is only on 10th March 1940 when the police took me to Hebbal tank that certain things were discovered. I was in police custody from the morning of 8th March 1940 to 18th March 1940. By 17th March 1940 when the police took down my statement I was willing to give a confession. I told the police that I was prepared to make a confession (Public Prosecutor objects to this. I allow the question to be put). No police officer visited me in the Jail on the morning of March 19th. Mr. Wynne did not see me on the 19th March. Neither Mr. V. V. Naik. I cannot say the names of police officers that escorted me from the Jail to the Magistrate on the 19th March. None besides the police officers accompanied me to the Magistrate's Court on the 19th March. On the 26th March Mr. Wynne and Mr. V. V. Naik visited me in the Jail. I do not know if Accused 5 protested to the Superintendent of the Jail that these two police offices should not see me. On the 3rd April 1940 I was removed from the Central Jail to Byramangala Jail. I am still there. No police officer visited me at Byramangala even once. I do not know one Rudraradya, a political prisoner in the Central Jail. I did not mention to him or to any one else that Accused 5 was innocent and that the police were compelling me to implicate Accused 5.

Re-examination.—Both in this Court and in the lower court I answered only to the questions put to me. My mother is in possession of my house and she looks after it. Even when Accused 1 came to me in the court premises on 2nd March 1940 he came with anger.

5 Read over and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
9-7-40.

P. W. 33 Ponnambalam recalled, sworn and cross examined with permission
10 by Mr. G. R. E.

About the conversation by Accused 1 "ಲಾಯರ ಗಲಾಜಿ ಜಾಸ್ತಿ ಆಯ್ತು, etc." I have deposed in the lower court that this conversation was on the way to Mr. Webb's petrol bunk. I do not remember if I have deposed in the lower Court that Accused 1 gave me a muffler to cover the hind number plate of the van. Accused 1 was in
15 the car when the dead body of Mr. M. K. Murthi was placed in the Talbot car in Konenagrahara.

Re-examination.—Nil.

Read over and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
20 *Second Additional Sessions Judge.*
29-7-40.

Deposition of Dr. A. S. Krishnaswami. P. W. 34.
Father's name—A. S. R. Char.
Age—31 years.
25 Caste—Brahmin.
Occupation—Assistant Surgeon.
Residence—Dodballapur.

Duly Sworn.
10-7-40.

30 On 5th March 1940 I was the Assistant Surgeon at Dodballapur. Upon the requisition of the Police I went to the spot where the body of the late Mr. M. Krishna Murthi was lying and conducted the post-mortem examination from 11-30 A. M. to 1 P. M. on 5th March 1940.

The body was that of a well nourished male undergoing decomposition. The
35 height of the body was 5 feet 7″. The hair on its head was medium cropped with grey hairs and there was a bald spot over the back of the scalp. The whole body was uniformly bloated. Rigor mortis was absent. The eyes and eyelids were popped up and decomposed. The lips were popped up and black. The face was livid and black. Sineous fluid was oozing out from the nose. Excreta was found
40 at the end of the anus. Nails were bluish and cynosed. The tongue was bluish and bitten between the teeth. Scrotum and penis were swollen and edymatus. Epidermis was peeling off in sections all over the body. There were blabs on the skin over the region of the groins. There was a linear incised wound 2″ long by ¾″ broad and ½″ deep over the area of the left temple 1″ above the left extremity of the
45 left eye brow. There was a mark of ligature of a rope running round the neck, the furrow ran above the thyroid cartilege in front and three inches below the pinna of both ears ran posteriorly and laterally at a point 1½″ below external occipital protubrances. The furrow was uniformly 1″ wide and 1″ deep with a crossing on the back of the nape of the neck. Upon dissection of the cranial region I noticed the
50 skull and vertebrae intact and healthy. The base of the skull was intact. There was no fracture of the vertebrae or of the vertebral joint. The membranes were decomposed. The brain was decomposed. The spinal column was intact. Upon dissection of the thoracic regions I noticed that the walls, ribs and cartileges were healthy. The pleural were decomposing and there was red stained fluid in the
55 pleural cavity. The larynx and trachea were healthy and there was no foreign body in them.

The lungs were congested and were beginning to decompose. They contained dark coloured clotted blood. The pericardium contained some blood-stained fluid. The heart was healthy and its left cavities were empty and the right cavities contained dark clotted blood. The large vessels were healthy and empty. Upon dissection of the abdominal region I found the valves undergoing decomposition and the peritoneum was decomposed and contained some gas and yellow fluid. The mouth, pahrynx and aesophogus were empty. The right upper incisor tooth was loose and it came away easily. The other teeth were intact. The stomach was healthy and empty. The small and large intestines were healthy and contained some gas. The liver was enlarged by ¼ its normal size. The gall bladder was empty. The spleen was healthy. Upon dissection of the genito urinary organs I found the kidneys healthy and the bladder healthy and empty. The scrotum was enlarged by..... times its normal size. Both the testis were intact and there was a dark clot at the tip of the penis.

My opinion is that death of this person was due to asphixia as a result of strangulation. I see the rope M. O. 5. This could have caused the strangulation. Exhibit P. 100 is the P. M. certificate given by me in this connection. This is countersigned by the District Medical Officer. I have described a ligature mark in column 4 of Exhibit P. 100 under the head 'External appearance'. I dissected that region below this mark. Immediately underneath the skin there was a pale area with the borders showing a slight reddish tinge and there was bruising of the tissues. There were bruises underneath the mark of ligature round the neck.

Cross-examination by Mr. G. R. E.—Decomposition of the body causes the bulging of the eyes and protrusion of the tongue. If the putrefaction has advanced far it would be difficult to ascertain the cause of death if there is no other evidence. I do not know if the blood would be displaced if decomposition sets in. I do not think there will be blood displacements in the ventricles of the heart on account of rigor mortis. Decomposition was commencing when I examined the body. On account of formation of gases the body gets bloated. It is possible that excreta will be found to the anus on account of gases. I dissected the trachea and larynx. I did find some congestion there. I have not noted it in Exhibit P. 100. The edges of the furrows were clearly visible. There was no special decomposition in this area. There was decomposition then as in other parts of the body. Mo. 1 the rope can cause strangulation. Any rope can cause it.

By Court.—If strangulation was caused by M. O. 1 the marks of ligature would be slightly different. There would be abrasions of the skin as the rope was a rough surface.

Cross-examination (continued).—I cannot say if the furrow gets more and more indistinct as decomposition advances. I found in this case the furrows were in the same condition in which they could be at the time of death. It is difficult to say whether excreta comes out to the anus out of sudden fear. Death can be caused by shock. I have not stated in Exhibit P. 100 that I dissected the region below the ligature. (Witness states: I remember distinctly having done so). I was examined in the lower court on 18th April 1940 and recalled on 19th April 1940. On 19th April 1940 it was elicited from me that the marks of ligature were dissected and that I had observed certain things there. On 19th April 1940 Doctor Monteiro had come to the court.

Cross-examinatian by Mr. H. G. R.—I entered service on 11th April 1939 in Mysore Medical Service. I was a House Surgeon in Madras General and Royapettah Hospitals for two years. We work as House Surgeons for acquiring practical work. I never conducted post mortem examination outside General Hospital while at Madras. I do not remember how many P. M. cases I have conducted inside the hospital at Madras. I may have conducted about 20 or 25 post mortem examinations. Since I entered Mysore Service I was in Railway Hospital for two months and then at Tumkur District Hospital for four months. I remember I had conducted post mortem examination over a body which was strangulated under the direction of the District Medical Officer. The thickness of the parchment-like appearances in the ligature marks depends upon the nature of the rope used and the violence used in strangulation. I cannot say if this appearance will be more prominent even if a softer rope is pulled either way.

Cross-examination by Mr. G. C. R.—If there is a rope round the neck which does not cause strangulation and the person dies with the rope in his neck due to other causes then there will not be ligature mark in the neck due to bloating of the body. If a rope is tied round the neck immediately after death say within five minutes after death such ligature marks can be produced. I cannot say if such a mark can be caused if 15 minutes after death. Probably the mark about the thyroid cartilege could also be caused in the case of hanging.

Re-examination.—I have conducted many post mortem examinations in Madras. When I answered to Mr. G. C. Reddy my answer referred to only that particular point about thyroid cartilege.

Cross-examination by Mr. G. C. R.—I can only say that there was crossing of the rope at the occipital region but I cannot say how this was brought about.

Cross-examination by Mr. G. R. E.—I have stated in the lower court that there were bruises underneath the ligature. I have elaborated it here.

Read over and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
10-7-40.

Examination at the instance of the 3rd Assessor Mr. T. Rama Rao.—The rope similar to M. O. 5 was on the body when I held the post mortem examination. It was lying loose then.

Read over and admitted correct.

(Sd.) A. SUNDARARAJA RAO
10-7-40.

Deposition of Dr. V. V. Monteiro, P. W. 35.

Father's name J. J. Monteiro.
Age—45 years.
Caste—Roman Catholic.
Occupation—District Medical Officer.
Residence—Shimoga.

Duly Sworn,
10th July 1940.

I am a Bachelor of Medicine of the Bombay University. I am qualified in medicine in London and Glasgow. I am a Senior I Grade Surgeon in the Mysore Medical Service. Since about 20 years I am in active practice as surgeon. I am an examiner in the Mysore University for Medical Jurisprudence. After I qualified myself for Surgery I have conducted a large number of post mortem cases. I have had an opportunity of looking into the evidence by Prosecution witness No. 34 Doctor Krishnaswami in the lower court and I had looked into Exhibit P. 100 already. I now read the deposition of Prosecution witness No. 34 given in this court. I agree with Prosecution witness No. 34 as to the cause of death referred to by him.

Cross-examination by Mr. G. R. E.—It is not merely the ligature marks but there are other circumstances which indicate the cause of death. Prosecution witness No. 34 has described certain stages of decomposition of certain organs. It is due to contracture of the heart after death that we find blood displacements in the heart. If the rope is in the neck even when the body is decomposing the ligature marks will be even more distinct, and the size of the furrow will be undoubtedly the same as that of the rope.

Cross-examination by Mr. G. C. R.—I agree with the evidence given by Prosecution witness No. 34 in respect of questions asked by Mr. G. C. R. But I wish to add that a ligature mark can be caused on a dead body but such a mark as is described in the deposition of Prosecution Witness No. 34 cannot be caused 15 minutes after death. I agree with what Prosecution witness No. 34 has said with regard to the mark found above the thyroid cartilege.

If a rope is fairly tight round the neck of a person who dies from other causes and of the body bloats there will not be any ligature marks described by Prosecu-

tion witness number 34. There is likely to be a furrow and not a ligature mark on account of the pressure of a soft body trying to expand. That furrow could also be called a ligature mark.

Re-examination.—In this case Exhibit P. 100 and the evidence of Prosecution witness No. 34 clearly prove that this is a case of strangulation and not of hanging. 5

R. O. & A. C.

(Sd) A. SUNDARARAJA RAO,
Sessions Judge.
10-7-40.

Deposition of Mr. Tustin, P. W. 36. 10
Father's name—Thomas Tustin.
Age—56 years.
Cast—European.
Occupation—Land Lord.

Duly Sworn,
10th July 1940. 15

I reside about ½ a mile from Mr. Misri's place. M. O. 4 the Ford Van belongs to Prosecution Witness No. 21, Mr. Misri. On 2nd March 1940 at about 7 P.M. I saw M. O. 4 coming from the Whitefield side. I was then coming from Bangalore to go to Mr. Misri's bungalow. Just at the 5th mile stone in the Bangalore-Whitefield 20 road and 5 miles from Bangalore I met this van that day. My intention then was to go to Mr. Misri's bungalow. I saw this van about 500 or 600 yards from the gate leading to Mr. Misri's bungalow. My head lights were on. I was travelling in a car and I was staying on the left of the road as a cart was coming on the opposite side. Just as M. O. 4 was passing me my servant George who was at the back of 25 my car intimated to me that it was Mr. Misri's van that was passing. I then horned my horn with a view to stop that van. There was no response and the car went through to Bangalore.

On 11th March 1940 some Mysore Police officer came to me with accused 2 when I was in my bungalow. I accompanied them to a place about 50 yards 30 beyond the 6th mile stone where there is a casuarina tope. Accused 2 pointed a spot in that tope. In that spot Accused 2 pointed a green piece of cloth M. O. 11 (A portion of it is taken away by the Chemical Examiner). There were also some cardamoms M. O. 10. We found a bit of cotton waste M. O. 12 there. All these 3, M. O. 5 were seized in my presence and sealed with my seal M. O. 13. The Police 35 took possession of these M. O's. Exhibit P. 101 contains samples of my seal and I have attested it. All the 3 packets were opened in my presence in the lower court and these packets then contained the seal of the Chemical Examiner.

Cross-examination by Mr. G. R. E.— Nil.

Cross-examination by Mr. H. G. R.—I have stated in the lower court as follows: 40 "On the 11th March 1940 at about 6 P.M. the Mysore Police officer came to my house. He asked me to lend a seal and requested me to go with him. We went to a casuarina tope about ½ a mile away from my place towards Whitefield on the right hand side of the main road. He led the Police Superintendent Mr. Wynne, myself and other Police officers and also two other witnesses about 14 yards inside the casuarina tope off the side road." 45

I have not referred to accused 2 till I stated the above facts in the lower court.

Re-examination.—I have stated in the lower court just below the above sentence that he meant accused two.

R. O. & A. C.

(Sd) A. SUNDARARAJA RAO, 50
Second Additional Sessions Judge.
10-7-40.

Deposition of George, P. W. 37.

Father's name—N. Corlionis.
Age—15 years.
Caste—Christian.
Occupation—Servant under Mr. Tustin (P. W. 36).
Residence—Domlur Road, Bangalore Taluk.

Duly Sworn,
10th July 1940.

On 2nd March 1940, I was going in the evening with my master Prosecution Witness No. 36, in his car towards Mr. Misri's bungalow. Then I saw M. O. 4 coming from the opposite direction. I mentioned this to my master.

Cross-examination.—Nil.

R. O. & A. C.

(Sd) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
10-7-40.

Deposition of Mr. Ahmed Khan, P. W. 38.

Father's name—Hyder Khan.
Age—36 years.
Caste—Muslim.
Occupation—Sub-Inspector of Police, Ulsoor, Bangalore Cantonment.
Residence—Bangalore Cantonment.

Duly Sworn,
10th July 1940.

I am the Sub-Inspector in charge of Ulsoor Police Station (Civil and Military Station). On 8th March 1940 at the requisition of the Mysore Police I arrested Accused 1 to Accused 3 and handed them over to the Mysore Police under orders of the Magistrate. On 8th March 1940 I seized the pronote Exhibit P. 102 and the consideration receipt Exhibit P. 102 (a) from the house of accused 1 Mr Reddy. On 15th March 1940 I seized an overcoat M. O. 2 from accused A. 1's apple garden. That coat had blood-stained marks.

Cross-examination.—Nil.

R. O. & A. C.

(Sd) A. SUNDARARAJA RAO,
Second Additional Sessions Judge
10-7-40

Deposition of Mr. Krishnamurthy, P. W. 39.

Father's name—Thammannachar.
Age—30 years.
Caste—Brahmin.
Occupation—Police Head Constable.
Residence—Ulsoor, Bangalore Cantonment

Duly Sworn,
10th July 1940.

On 8th March 1940 I seized the driving license of Ponnambalam in the house of the latter situated in the garden of Accused 1 Narayana Reddy. This license is Exhibit P. 103. I seized the Talbot car M. O. 3 on 10th March 1940 from Accused 1's house. The petrol indent book Exhibit P. 98 (a) containing Exhibit P. 98 was found in that car. M. O. 9 was not in the Talbot car but we found M. O's 29 and 30 there. M. O's 29 and 30 were on either side of the backdoors of this car and screwed on to the doors. I see M. O. 31 a long piece of green cloth.

Accused 2 took out from the loft of his house and gave it to the Police. That house is in the compound of Accused 1's bungalow. Accused 2 lives in his house from which he took out M. O. 31.

Cross-examination by Mr. G. R. E.—Ponnambalam occupies 1 or 2 rooms in the garden of Accused 1. These rooms were not locked when we went there. These rooms have doors and bolts.

Cross-examination by Mr. H. R. G.—I heard my deposition given in the lower court read out. I have not said that accused 2 brought M. O. 31 from the loft but I said that it was seized from his room. I have not stated in the lower court that M. O. 31 was given to me.

Cross-examination by Mr. V. V. S. I.—Nil.

Re-examination.—Both here and in the lower court I answered to questions put to me.

R. O. & A. C.

(Sd) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
10-7-40.

Deposition of Mr. T. A. Mohan, P. W. 40.
Father's name—Mr. T. V. Abboy Naidu.
Age—34 years.
Caste—Naidu.
Occupation—Inspector of Police.
Residence—Bangalore Cantonment.

Duly Sworn,
10th July 1940.

I know accused 1 Narayana Reddy. I lent him the overcoat M. O. 2 about the end of January 1940. He has not returned it to me afterwards. I observe that portions of it have now been cut. I saw this M. O. 2 on 19 March 1940 before the 1st Magistrate, Bangalore, when he opened a sealed packet in my presence. That packet contained M. O. 2.

Cross-examination.—Accused 1 has a license for firearm. I had no occasion to get the license cancelled. Accused 1 was a respectable and decent young man as far as I know.

Cross-examination by Mr. H. G. R.—There are no marks of identification on M. O. 2 to show that it belongs to me. I had not put any special marks to show that it was mine.

Cross-examination by Mr. V. V. S. I.—Nil.

Re-examination.—Nil.

R. O. & A. C.

(Sd) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
10-7-40.

Examination with permission.—There was some dispute between Accused 1 and his mother. A complaint was lodged to the Police, I investigated it. This was about four or five years ago. No will was produced before me then.

Cross-examination by Mr. V. V. S. I.—I was not told by any one about the will. There was no need to tell the existence of the will to me.

Re-examination.—Nil.

R. O. & A. C.

(Sd) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
10-7-40.

Deposition of—Joseph, P. W. 41
Father's name—Arokyasami.
Age—32 years.
Caste—Christian.
5 Occupation—Attender, Webb's Service.
Residence—Bangalore Cantonment.

Duly Sworn.
10-7-40.

I work in Webb's Service Station which is in the South Parade. I maintain
10 the petrol sale accounts there. I see the van M.O. 4 which belongs to Mr. Misri. Mr. Misri purchases petrol from us. He is our customer. On 2nd March 1940 I supplied 1 gallon of petrol to M.O. 4 at about 6-30 P.M. I supplied it for cash as noted in the sale book entry Exhibit P. 104 (a) in Exhibit P. 104. Approver Ponnambalam who is now before court purchased 1 gallon of petrol for M.O. 4
15 that day as noted in Exhibit P. 104. The next bill noted in Exhibit P. 104 below. P. 104 (a) shows the supply of petrol to my master. This entry is Exhibit P. 104 (b). Exhibit P. 105 shows the account kept by Mr. Misri Prosecution Witness Number 21. Exhibit P. 105 (a) shows his account.

Cross-examination.—Mr. Misri was buying 5 gallons of petrol once in 4 or 5
20 days.

Re-examination.—Nil.

R. O. & A. C.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
10-7-40

25 Deposition of—Somasundram, P. W. 42
Father's name—Tholasingam.
Age—63 years.
Caste—Christian.
Occupation—In charge of V. T. Padmanabhan's Petrol bunk.
30 Residence—Civil and Military Station, Bangalore.

Duly Sworn,
10-7-40.

I work in the Cavalry Road petrol pump owned by V. T. Padmanabhan. I have seen the approver Ponnambalam on 2nd March 1940 between 10-45 and
35 11 P.M. I supplied 4 gallons of petrol for cash to Ponnambalam for the taxi he had brought then. Exhibit P. 106 (a) in my beat book Exhibit P. 106 shows the sale of these 4 gallons of petrol. The taxi's number is noted there as B.A. 3396 (M.O. 14). I have put the date of sale as 3rd March 1940 as by the time I sold these 4 gallons the accounts for the day 2nd March 1940 had been closed. At 9 P.M. on 2nd March
40 1940 I took charge of that bunk from Prakash.

Cross examination.—Nil.

R. O. I. & A. C.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
45 10-7-40.

Deposition of—Prakash, P. W. 43
Father's name—Ponnasami.
Age—25 years.
Caste—Roman Catholic.
50 Occupation—Clerk, V. T. Padmanabhan's Petrol Bunk.
Residence—57, Noha Street, Blackpally, Cantonment.

Duly Sworn,
10-7-40.

I work in V. T. Padmanabhan's petrol bunk in the Cavalry Road. On 2nd
55 March 1940 at about 4-30 P.M. I supplied 2 gallons of petrol to Ponnambalam for

the Talbot car M.O. 3 which belongs to Accused A1. I have entered this sale in the accounts as per entry Exhibit P. 106 (b) in P. 106. This was a credit sale. The credit chit for this sale is Exhibit P. 98 which is signed by Ponnamabalam. The corresponding counterfoil is Exhibit P. 98 (a). At 9 P.M. I handed over charge of the bunk that night to Prosecution Witness No. 42 Somasundaram. The same night at 8-30 P.M Ponnambalam came to our bunk with can. He did not bring the car there. As the rules prohibit us from supplying petrol in the can we did not supply it. He told me that the car had stopped near R. B. N. M's School. Ponnambalam told me that it was a van. I went a little further and saw it was a van similar to M.O.4. I then supplied him petrol (2 gallons) as per credit entry Exhibit P. 106 (c) in Exhibit P. 106. The credit indent chit for this is Exhibit P. 99. This was given out of the general indent book maintained in our bunk. It is used only when customers forget to bring their indent book. Exhibit P. 99 (a) is the counterfoil of Exhibit P. 99. As the day's accounts were closed I put the accounts for 3rd March 1940.

Cross-examination.—Nil.

R. O. I. & A. C.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
10-7-40.

Deposition of—Jeevarathnam, P. W. 44
Father's name—Krishnasami.
Age—17 years.
Caste—Adidravida.
Occupation—Attender, Webb's Petrol service, 30, South Parade.
Residence—Bangalore Cantonment.

Duly Sworn,
10-7-40.

I work in Webb's Service Station in the South Parade. I see M.O. 4. It belongs to Mr. Misri. Ponnambalam purchased petrol from our service station on 2nd March 1940 for a van similar to M.O. 4. He purchased only one gallon at about 6-30 P.M.

Cross-examination.—Nil

R. O. I. & A. C.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
10-7-40.

Deposition of Nanjappa, P. W. 45
Father's name—Chikkananjundappa
Age—45 years.
Caste—Vokkaligar.
Occupation—Agriculturist.
Residence—Hebbal, Bangalore Taluk.

Duly Sworn,
10-7-40.

About 4 months ago the Police made me get down the tank at Hebbal in the presence of many people as the driver Ponnambalam before court stated then that a walking stick, sandals, panche, spectacles and a turban belonging to lawyer Mr. Krishnamurthy has been thrown there. I was asked to search for them in the tank. The tank was being guarded then by the Police. I was searched before I got into the tank. I picked out M.O.'s 7 and 8. A mahazar was written then. The water was 4½ feet high.

Cross-examination by Mr. H. G. R.—I had not gone to the tank the previous day. I have stated in the lower court that the Police had kept watch on 9th March 1940 at the tank.

Re-examination.—Nil.

5 R. O. I. & A. C.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
10-7-40.

Deposition of—Abdul Rahaman, P. W. 46

10 Father's name—Noor Ahmed.
Age—25 years.
Caste—Muslim.
Occupation—Cloth Merchant.
Residence—Hebbal, Bangalore.

15 Duly Sworn,
10-7-40.

The Police made me get down the Hebbal tank to pick up some articles. The tank had been guarded before I went there. Ponnambalam showed the place where he had thrown the articles. He said that he had thrown there the panche, 20 sandals, spectacles, walking stick, turban belonging to Mr. Mokshagundam Krishna Murthi. I traced only the Ash-tray M. O. 9. A mahazar was held then. I had been searched before I got down the tank.

Cross-examination.—Nil.

R. O. I. & A. C.

25 (Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
10-7-40.

Deposition of Syed Jaffar, P.W. 47.

Father's name—Syed Khasim.
30 Age—29 years.
Caste—Muslim.
Occupation—Police Constable No. 231, High Grounds, and Drill Instructor.
Residence—Bangalore City.

35 Duly Sworn.
10-7-1940.

On 9th March 1940, I was sent for to the Hebbal Tank. I went there at 6 P.M. I was asked to watch the tank that night. I and Police Constable 23 Abdul Sattar and others kept watch over the tank there till next morning. We did not allow 40 any one to get into the tank in the interval.

Cross-examination by Mr. H. Guruva Reddy

It was a dark night. I was seated near the water gauge. I was moving about within a range of 100 yards. There is a curve to the north side of the tank.

Re-examination.—Nil.

45 Read over, interpreted and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
10-7--1940.

Deposition of Mr. M. Ramaswamiah, P. W. 48.
ther's name—Mr. M. Aswatiah.
Age—44 years.
Caste—Smartha Brahmin.
Occupation—City Magistrate.
Residence—Bangalore City.

Duly Sworn,
11-7-1940.

I have been the City Magistrate of Bangalore since 1930. I recorded the Confession Statement of A1 on 9th March 1940 at 6-25 P.M. I closed it at 7-55 P.M. I recorded it in my Chambers. No Police Officer was present either there or within hearing distance. The Police produced A 1 before me. I took A1 to my custody and then gave him half an hour's time for reflection. Before proceeding to record his confession I warned him that he need not make any confession and that if he did so, it was liable to be used against him. Before recording his statement I satisfied myself that what he was going to say was voluntary. Exhibit P. 107 is the statement made by A 1 and recorded by me. Narayan Reddy referred to is A 1 now before Court. After recording it I put it in a double sealed cover and kept it with me. The cover was opened when I was examined in the lower court. The seals were intact. After recording it I read over the statement to A 1. He admitted it to be correct and signed it. I am absolutely satisfied that it was a voluntary statement. I hear Exhibit P. 107 read out. This is the statement made by him.

Cross-examination by Mr. G. R. Ethirajulu Naidu :—

I found it necessary to question A 1 as his statement was incoherent. I did not see A 1 agitated when he came to me.

Cross-examination by Mr. H. R. Guruva Reddy :—

I questioned him who his servants were when he mentioned his servan A1 did not volunteer the names of servants.

Cross-examination by Mr. V. V. Srinivasiengar :—

My general office hours are 11 A.M. to 5 P.M. I had a phone message from the District Magistrate saying that I should record the confession of A 1 and that the latter would be produced before me and that I should wait in my office. I have not made a record of this message. I cannot say how the District Magistrate came to convey this message to me. I was told I had to wait but I do not remember if anything was said about the urgency. I did not see how A 1 was brought to my office. I did not see who brought A1 to my office. I see now the 'C' Division Inspector, Mr. Narasimhiah produced him before me. I understood that between his arrest and production before me A1 was in police custody. I did not go out of my room after A1 came to my room. I could not tell where the Inspector was all the time. I closed the room and set the fan going. I looked out of the window and saw there was none. I had posted my Office Daffedar with instructions to see that no one came near my Chambers then. A1's story had finished when he said that he went away and that the rest took the taxi. Then I questioned him as follows 'ಆಮೇಲೆ'? When I put this question I thought he had something more to say. I had nothing in my mind when I put that that question. I had not even an inkling of information that A1 had anything more to say. When I put that question I did not anticipate that he was going to give any particular information. I did not wish him to tell anything then. After recording his statement I sent him to the Central Jail through the Jail Daffedar. I did not know from what place A1 came and I remanded him to the Central Jail afterwards. I had instructed the Jail Daffedar to be present then before I recorded his statement. I saw A1 being handed over to the Jail Daffedar.

Re-examination.—Every question and answer has been recorded by me.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.

Deposition of Mr. H. Krishnachar, P.W. 49.

Father's name—Venkateshachar.
Age—53 years.
Caste—Brahmin.
Occupation—S. D. O. and *Ex-officio* First Class Magistrate, Bangalore Sub-division.
Residence—Bangalore.

Duly Sworn.
11-7-1940.

10 I am the *Ex-officio* First Class Magistrate, Bangalore Division. On 19th March 1940 I recorded the statement of P.W. 33 Ponnambalam. I satisfied myself that he was going to make a voluntary statement. After recording his statement I put the statement in a double sealed cover and sent it to the City Magistrate. Exhibit P97 is this statement.

15 *Cross-examination by Mr. G. R. Ethirajulu Naidu :—*

Bangalore Sub-division consists of Bangalore South and North Taluks and Anekal Taluk. I have powers of investigation when referred. I have jurisdiction only under the preventive Sections of the Criminal Procedure Code over those taluks. I have been invested with powers under the Criminal Procedure Code to investi-
20 gate any offence within my jurisdiction. A report was placed before me by the police to record Ponnambalam's statement and I did so. I call the recording of confession an investigation. No higher authority authorised me to do so. I thought that this case was within my jurisdiction as it occurred in Bangalore Sub-division. The Revenue jurisdiction of Bangalore City is in my jurisdiction.

25 *Re-examination.*—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
11-7-1940.

30 Deposition of Mr. Y. Srikantiah, P. W. 50.

Father's name—Mr. Y. Subba Rao.
Age—53 years.
Caste—Brahmin.
Occupation—Government Service (First Magistrate, Bangalore.)
35 Residence—Bangalore City.

Duly Sworn.
11-7-1940.

I am the First Magistrate, Bangalore. On 19th March 1940, I received a requisition from the Police along with a sealed packet for opening it in the presence
40 of the Court. The packet had been sealed with the seal of the Chemical Examiner. I found the seals to be intact. I opened it and it contained an overcoat M.O. 2. I showed it to P.W. 40 Mr. Mohan who identified it as his. I sealed the packet again with my court seal and handed it back to the Police.

Cross-examination.—Nil.

45 Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
11-7-1940.

Deposition of Syed Yousuff P. W. 51.

Father's name—Syed Hussain.
Age—25 years.
Caste—Muslim.
Occupation—Taxi Driver.
Residence—No. 8, Langford Road, Bangalore Cantonment. 5

Duly Sworn.
11-7-1940.

I drive a taxi, Mys. 9262, for hire. I keep my taxi near the City Market Taxi stand when it is not plying for hire. On 2nd March 1940 at about 7-30 A.M. a Hindu came and engaged my taxi at Re. 1-4-0 per hour. He took the taxi to 10 Kumbarpet and then picked up Ibrahim Sab and came to Gandhi Nagar to the house of the lawyer, A5, Venkatarangiengar. Then A5 was about to go out in some other car. A5 told those two people who were in my taxi to wait near his house for an hour and that he would go out and come back home. After A5 left his house, some two people came in the Talbot Car, M. O. 3, to A5's house. They 15 are A1, now before Court, and another who was driving the Talbot Car. That driver is Ponnambalam, now before Court. He was driving then. They, two came to A5's house. A1 went inside A5's house and returned. Then both of them went away. Quarter or half-an-hour later A5 returned home and came and sat in my taxi along with two others who were already there. A5 sat next to me in the front 20 seat. A5 told me to drive to the Second Cross Road, Basavangudi. We went there. A5 searched for somebody and not finding them there we came to the Petrol Pump in the road where Mr. Paul Chinnappa's School is. That Petrol Bunk belongs to Garudachar. We went 50 yards further from the Petrol Bunk. Then we saw three people coming. Then A5 told me to stop the taxi. I 25 stopped the car. A5 talked to those three people for 15 minutes and then asked me to take him to Chickpet. We went to Chickpet. There A5 asked me to stop the taxi near Ananda Bhavan Hotel. I stopped it there. Then A1 came and talked to A5. After stopping the taxi I went behind it to smoke a cigarette. A little later A5 closed the door of my taxi and sounded the horn. I then got into the taxi 30 and drove them to A5's office. A quarter of an hour later A5 came back. I left him in his house. I left Ibrahim Sab in his godown and took my fare and went away.

Cross-examination by Mr. V. V. Srinivasiengar.—

I do not know the name of the Hindu. I can identify him if he is produced. I know Mohamed Ibrahim Sab. He was all along in the taxi till I left him in 35 his godown. He was in my taxi all the time. A5 got in my taxi and till he got down at his residence. Within two minutes after A1's coming to A5's house A1 went back in his car. He stayed there less than two minutes. I do not know if A5 went to Mr. N. G. Krishniengar's (Retired Superintending Engineer) house in Basavangudi, Second Cross Road. A1 showed his hand by coming in front of 40 my taxi and asked me to stop it. Then I stopped it. A5 also asked me to stop the taxi. When A1 showed his hand he was on his feet in front of Ananda Bhavan. After I stopped the taxi A1 came to my taxi and talked to A5. When A1 was talking to A5 the Hindu gentleman and Mahomed Ibrahim were seated in the back seat of my taxi. I did not see any one else then. I did not see whether 45 A1 and A5 were talking inside the car or outside it. I cannot say whether A5 was talking sitting inside the car or whether he had got down. I had left my taxi by the side of Ananda Bhavan and to my left. I did not see if they were talking sitting or standing. I did not see driver Ponnambalam there. He was not with A1 then. I have not mentioned to any one the incident which took place near 50 Ananda Bhavan. I am not afraid of the Police so long as I carry out the rules. I have not seen either A1 or Ponnambalam before that day. I had not seen them again except in the lower Court.

Re-examination.—There was no identification parade held by any one. The Police examined me 20 days after the incident. 55

Read over, interpreted and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
11-7-40.

Cross-examination with permission by Mr. V. V. Srinivasaiengar—

How can I say who all engaged my taxi and what conversation took place in the taxi on 2nd June 1940.

5 *Re-examination.*—As the Police enquired me about the incident of 2nd March and as I know Ibrahim Sab I remember the incident of 2nd March.

Read over, interpreted and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
10 11-7-40.

Deposition of Lingappa, P. W. 52.
Father's name—Thimma Reddy.
Age—47 years.
Caste—Reddy.
15 Occupation—Agriculturist.
Residence—Agaram, Bangalore Taluk.

Duly Sworn.
11-7-1940.

I pay an assessment of 600 or 700 rupees. On 2nd March 1940 I had come to 20 this Court building in connection with some Pateli case in the Bangalore Sub-Division Office. That office is in the corridor upstairs of this building. I know both A1 and A5. I had seen both A1 and A5 separately that day in the corridor near the Sub-Division Office commencing from 11 A.M. till 1 P.M. that day. After 1 P.M. I did not see any of them. A5 was going towards the Additional Sessions 25 Court. A1 went and talked to A5 then. They both talked once. Again A1 followed A5 and came back.

Cross-examination by Mr. V. V. Srinivasaiengar—

I had applied for Insolvency disclosing assets of Rs. 1,500 and debts of Rs. 30,000. I withdrew that application. I was not convicted and sentenced at 30 any time. I had come here then in connection with the Pateli office of my village. Ramiah of Chellaghatta had come with me then. My statement has been recorded in the Sub-Division Office that day. I talked to A1 that day and to A5. I did not mention the conversation between A1 and A5 to any one. There was nothing strange or unusual in that conversation. I do not remember 35 which of the Advocates talked to any of their clients on other days. It was about 1 P.M. when A1 and A5 talked to each other. I do not know the fact of A5 addressing the Court at 1 P.M. There was no one with me when I saw them talk. I had no interest in their conversation. I do not know what they talked. They talked for a minute. Hundreds of people were moving in the corridor then. I 40 cannot identify even one or two out of the hundreds of people that were present in the corridor.

Re-examination.—I had my own case that day. The police have examined me.

Cross-examination with permission.—I had filed a suit against Vallaba-45 rayappa. A5 was the Counsel for Vallabarayappa. That case ended in compromise.

Re-examination.—Nil.

Read over, interpreted and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.

Deposition of Marappa.—P. W. 53.

Father's name—Munisamappa.
Age—55 years.
Caste—Vokkaligar.
Occupation—Carpenter Maistry.
Residence—63, G. Street, Jogupalya, Ulsoor, Bangalore.

Duly Sworn.
11-7-1940.

I know A5 Venkatarangiengar since 20 years. I know A1 Narayana Reddy. A1 lives in Ulsoor in the Police Road. On a Sunday 3rd March 1940 I saw A 5 at 7-30 A.M., near A1's house. I saw A5 near the gate of A1. A5 had come in the car. A5 drove straight to A1's house. The gates had been opened then. On 6-3-40 I heard the death of Mr. M. K. Murthi.

Cross-examination by Mr. V. V. Srinivasaiengar:—

I do not work under Shamanna Gowda. I have not done any work for him. I do not cultivate his lands. I have a house and garden. There is a decree against my house and garden. Nathmal has not purchased my properties. I am going to pay his decree amount. It did not look strange when A5 entered A 1's house. I have seen many people entering A1's house in the car. I cannot say who they are. Many people go there as friends. I cannot name a single person that did so. I cannot give the dates on which other persons entered the gate in car. I cannot say who entered A1's gate by car subsequent to 3-3-40. A1's house is in Cambridge Road. A year ago I had seen A5 going through the same gate to A1's house. Someone who had a scar in his face came and asked me 20 days later about this incident. I told him what I saw. That man I noticed to be a Police Officer in the lower Court. I was managing the Seegadi quarry on behalf of Shamanna Gowda. There was litigation in regard to this quarry between Shamanna Gowda and Chengamma and Anantha Raju. A5 and others were appearing against Shamanna Gowda in that case. I did not see the number of the car in which A5 came. I cannot identify it. The car was coming slow near the gate. I had no interest to see who was in the car. I had seen A5 even before that. I was a witness for A5 for three years. I was afterwords examined. A5's client in that case was Doctor Bhagavandas. On that day I and Shamanna Gowda were coming together. I wanted to go to the Cantonment. Shamanna wanted to go on a walk. A5 was the only one in the car. I and B. M. Shamanna Gowda did not talk anything about this incident. I did not talk to Shamanna Gowda at all that day or on any subsequent day. After A1 was arrested I and Shamanna Gowda talked over the matter and decided to keep quiet to avoid trouble. The car was of blue colour. A 5 himself was driving the car. Near the Ulsoor Police Station I and Shamanna Gowda parted.

Re-examination.—I remember 3-3-40 as it was a Sunday and I was going to the Cantonment to receive ಬಟವಾಡೆ.

Read over, interpreted and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
1-7-1940.

Deposition of Shamanna Gowda, P. W. 54.

Father's name—B. S. Marappa.
Age—37 years.
Caste—Vokkaligar.
Occupation—Agriculturist.
Residence—59 to 61, 'G' Street, Ulsoor, Bangalore.

Duly Sworn.
11-7-1940.

I know A1 and A5 on 3rd March 1940. I saw A5 going into A1's house at about 7 or 7-30 A.M., by car. I was then going towards the Bus Stand. I know A5 since 15 years. I wished A5 then.

ion.—I did not speak to A5 as he was going in the car. In the lower court I did not depose that A5 went by car as I was not questioned about it. In one case A5 appeared against me. I know there was a case regarding the Will of Munisamappa, my uncle. A5 did not appear in that case. I did not remember about it. In the stone-quarry case A 5 appeared against me. I do not remember if A5 questioned me about my debts in that case. I have not mentioned in the lower Court that I wished A5 that morning. No one questioned me about it in the lower Court. As I was asked in this Court I said I wished him. e have not seen A5 entering the gate of A1 before 3rd March 1940. I used to seI A5 talking to A1 in A1's compound many times, but I cannot give the dates. I had no surprise when I saw A5 entering the garden of A1 on 3rd March 1940. I had occasion to refer to this or speak about it to one of my Lawyers in Tirupattur. P.W. 53 Marappa was with me when I saw A5 on 3rd March 1940. I used to send P.W. 53 on my behalf to my stone-quarry. As a matter of obligation he used to go there. I did not note the number of the car in which A5 came that day. I have stated in the lower Court that A5 cross-examined me with regard to my status and solvency in Chengamma's case. There are decrees against me to the extent of 20,000 rupees. I do not remember if A5 appeared against me in a Land Acquisition case between me and Abdul Sattar. I would deny A 5 having appeared against me in that case. I lost some money in that case. I do not remember if I lost to the extent of 18,000 rupees. I cannot say who entered A1's gate last year.

Re-examination.—In the appeal in the High Court I succeeded in the quarry case. I lost Rs. 10,000 in that case. All my properties are worth 3 lakhs of rupees. I remember the 3rd March as I wanted to go to Vellore that day. I did not go that day as it was in auspicious. I went on Monday.

I saw the Murder case in the Hindu Paper and so I talked to my lawyer.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
11-7-1940.

Deposition of Syed Peer, P. W. 55.

Father's name—Syed Khasim.
Age—35 years.
Caste—Muslim.
Occupation—Sepoy No. 560, 'A' Co., First Battalion, Mysore Infantry.
Residence—Hebbal, Bangalore.

Duly Sworn.
11-7- 1940.

On 10th March 1940, I saw the Police Van near the Hebbal tank. The Police Inspector asked me whether I knew diving in water. I said I know it. Then the Police men asked me to dive in the water and see if anything was found. On the information furnished by Ponnambalam I wanted to get into water. I was searched then by the Shanbhogues. I then got into the water and found a stick in the Tank M. O. 6. A Mahazar was written when M. O. 6 was traced.

Cross-examination by Mr. H. Guruva Reddy—I had not gone to the tank before.

Cross-examination by G. R. Ethrajulu Naidu.—I found this at a depth of $4\frac{1}{2}$ feet.

Re-examination.—Nil.

Read over, interpreted and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
11-7-1940

Deposition of Ambaji Rao, P. W. 56.

Father's name—Raghavendra Rao.
Age—50 years.
Caste—Brahmin.
Occupation—Process Nazir, First Munsiff's Court.
Residence—Bangalore.

Duly Sworn,
15-7-40.

All Processes to be served in Bangalore City pass through my office. The attachment warrant Exhibit P. 108 for attaching the moveables of A1 was received by me. The moveable to be attached was mentioned as motor car—Talbot make—belonging to A1. Exhibit P. 108 was given to Amin S. Subba Rao on 21st February 1940 for effecting attachment of the car. On 2nd March 1940 he returned it to me with an endorsement Exhibit P. 108 (*a*). Exhibit P. 108 (*b*) is the endorsement made by Decree-holder's advocate asking for a fresh warrant. On 2nd March 1940 A1 had come to my office at 3 P.M., to ascertain the amount of the attachment warrant for depositing it in Court. The amount due under the warrant was Rs. 42-4-0.

Cross-examination by Mr. G. R. Ethirajalu Naidu.—

The endorsement Exhibit P. 108 (*b*) is dated 1st March 1940. The date of Exhibit P. 108 (*a*) appears to have been changed from 1st March 1940 to 2nd March 1940. When the advocate made endorsement, the warrant was exhausted.

Cross-examination by Mr. V. V. Srinivasiengar.—

The prayer in the execution application was for the attachment of the car itself. Exhibit P 108 (*b*) is made by the late M. Krishna Murthi. This endorsement does not indicate that the parties are informed of its contents. The expression 'personal property' does not appear either in the warrant or in the execution application.

Re-examination:—Nil.

Read over and admitted to be correct.

(Sd.) A SUNDARARAJA RAO,
Second Additional Sessions Judge.
15-7-40.

Deposition of M. N. Subba Rao, P. W. 57.

Father's name—Narasimhiah.
Age—51 years.
Caste—Brahmin.
Occupation—Bench Clerk, Additional District Judge's Court, Bangalore.
Residence—Bangalore.

ıly Sworn,
15-7-40.

I am the Bench Clerk of the Additional District Judge in Bangalore. That Court is situated in the corridor of this Court building. Persons get into the Court Hall of our Court through the corridor in front of the Bangalore Sub-Division Office. On 2nd March 1940 I was the Bench Clerk working in the Court-Hall. On that day, 2nd March 1940, I saw A1 sitting in the Court Hall of the Additional District Judge. A5 also was in the Court Hall that day arguing Miscellaneous Case No. 176 of 1937-38. I saw A1 in the Court Hall that day at 1 P.M. Argument was completed by 2 P.M. After that A5 left the Court Hall, Just a little before that A1 had left the Court Hall. On 14th February 1940 the Additional District Judge pronounced orders in O. S. 10—39-40. The date of hearing in that case previous to 14th February 1940 was 12th January 1940. On 12th January 1940 no steps had been taken. That suit was for the grant of probate on the will of one Mr. Muninanjappa. Mr. M. P. Somasekhara Rao had filed an application for probate on behalf of A1. The value of the estate had been made

therein as one lakh and odd. Exhibit P 109 is the order sheet in that case. It consists of three sheets. Exhibit P. 110 is the application for the probate. This application was originally numbered as Mis. 257—38-39. Exhibit P. 110 (*a*) is the annexure to Exhibit P. 110. Mr. M. Krishna Murthi filed the objection in that case as per Exhibit P. 111 on 4th August 1939. Lakshmamma, the opponent, has put her thumb mark to Exhibit P. 111. On 17th July 1939 Mr. Narasiah has filed an application Exhibit, P. 112 for marking the will. He filed his vakalat on 30th June 1939.

On 25th January 1940 the witness list has been filed in this case by Mr. G. K. Raghavendra Rao. One Nanja Reddy's name is found in that witness list, Exhibit P. 113. The name of A5 is found in the witness list by the petitioner A1 as per Exhibit P. 114. The name of A5 is found in another witness list, Exhibit P. 115. A fee certificate, Exhibit P. 116, has been filed by Mr. M. Krishna Murthi on 14th February 1940. A5 was served on his clerk with the witness summons on 14th February 1940. Exhibit P. 117 are the issues framed in that case.

I see the records of Mis. 67—35-36. Exhibit P. 118 is the order sheet showing the proceedings in the Court. Mis. 67—35-36 was filed on 16th November 1935. The petition in that case is Exhibit P. 119. As per Exhibit P. 119 (*a*) there is a note stating that a true copy of the will had been filed. 'Not filed' is a note made by the clerk and initialled by the Judge by the side of Exhibit P. 119 (*a*). Mr. M. K. Murthi has filed objections to that petition as per Exhibit P. 120.

A5 Mr. S. K. Venkatarangiengar appeared for the petitioner in that case. On 19th March 1936 Mr. M. K. Murthi filed an application as per Exhibit P. 121 to draw the amounts in fixed deposits. This was accompanied by an affidavit, Exhibit P. 121 (*a*). On 11th August 1936 he has filed another application as per Exhibit P. 122. On 15th August 1936 the objections to this application were filed by A1 and this is presented by A5. On 1st November 1937 Mr. M. K. Murthi presented another application as per Exhibit P. 124. He has also presented another application on 27th January 1938 as per Exhibit P. 125. Exhibit P. 126 is another application filed by him on 17th May 1938. Exhibit P. 127 dated 30th July 1938 and Exhibit P. 128 dated 8th August 1938 are also applications filed by Mr. M. K. Murthi. Exhibit P. 128 is supported by an affidavit of the opponent as Exhibit P. 128 (*a*). Exhibit P. 129 is another affidavit filed by Lakshmamma on 21st October 1938. On 22nd November 1938 Mr. M. K. Murthi has presented another application as per Exhibit P. 130. He has presented some objections also on 29th November 1938 as per Exhibit P. 131.

On 4th March 1937 the District Judge passed an order directing A5 to produce the Will before 5 P.M. that day. The Will was produced that day. Exhibit P. 119 has been presented to Court by A5 with an interim application and vakalat.

On 1st October 1937 proceedings so far as Sharadamma was concerned were dropped as per order in the order sheet.

On the same day, *i.e.*, 1st October 1937 the Plaint in O. S. 11—37-38 was presented by Mr. M. P. Somasekhara Rao as per Exhibit P. 132. The order sheet showing the proceedings is Exhibit P. 133. Mr. M. K. Murthi represented the defendants in that case and he presented the first objection statement as per Exhibit P. 134 on 1st November 1937. The issues in that case were framed on 4th April 1939. Exhibit P. 135 contains the issues in the case. Exhibit P. 136 is another objection statement presented by Mr. M. K. Murthi on 1st November 1937. On 30th July 1938 Mr. M. Krishna Murthi presented an application as per Exhibit P. 137 followed by an affidavit, Exhibit P. 137 (*a*). Exhibit P. 138, another application has been filed by Mr. G. K. Raghavendra Rao on 13th June 1939. On 1st July 1939 Mr. M. K. Murthi has filed an objection statement as per Exhibit P. 139. An application was filed by A1 with an affidavit on 12th July 1939 requesting the Court to keep the Will in a sealed cover as per Exhibit P. 140 and P. 140 (*a*). Mr. M. K. Murthi filed another application on 2nd January 1940 as per Exhibit P. 141. On 1st November 1937 Mr. M. K. Murthi began appearing for defendants in that case. In that suit A1 was examined on 21st June 1939. His deposition is Exhibit P. 142. Exhibit P. 143 is the list of documents filed by Mr. G. K. Raghavendra Rao on behalf of Mr. M. K. Murthi (Mr. G. R. E. objects to the admissibility of Exhibit P. 142. Objection overruled). Exhibit P. 144 is a similar witness list on 15th June 1939. Exhibit P. 145 is the witness list filed by plaintiff in that suit summoning among others A5 and Mr. O. S. N.

Sheriff. On 2nd January 1940 we received the orders of the High Court as per Exhibit P. 146, dated 15th December 1939. On 26th February 1940 the District Judge, Civil & Military Station sent a letter, Exhibit P147, requesting that the Will may be sent to his Court. No reply was sent to this letter Exhibit P147. The Additional Judge has made a note on Exhibit P147 that the Will cannot be sent.

Cross-examination by Mr. G. R. Ethirajulu Naidu.—

O. S. 10-39-40 was dismissed for default. The counsel for plaintiff moved for an adjournment producing a medical certificate stating that plaintiff was ill. Adjournment was refused and the counsel retired from the case. Another miscellaneous application has been filed for setting aside the order of dismissal. The final order was passed in Mis. 67—35-36 on 8th April 1939. On 25th March 1940 final order was passed in O. S. 11 - 37-38 dismissing the suit. Some witnesses had been examined previous to 25th March 1940 on behalf of plaintiff. On 25th March 1940 plaintiff, *i.e.*, A1 was not ready and his counsel, Mr. Somasekhara Rao, retired from the case.

Further examination-in-chief with permission:—

On 5th April 1939 Lakshmamma filed a petition against A5 under the Legal Practitioners' Act. Exhibit P148 is the order sheet connected with that petition Exhibit P149. Mr. M. K. Murthy was the Advocate for Lakshmamma in that case. Exhibit P150 is the objection statement filed by A5 signing and verifying it. Exhibit P151 is the reply filed by Lakshmamma and signed by Mr. M. K. Murthi.

On 5th April 1939 Lakshmamma filed an application against A1 requesting sanction for prosecuting him as per Exhibit P153. The order sheet connected with that case is Exhibit P152. Mr. M. Krishna Murthy appeared for Lakshmamma in that case. Mr. M. P. Somasekhara Rao filed objections in that case. That petition was dismissed on 15th January 1940. On 13th January 1940 Lakshmamma filed an application for executing the order for costs allowed in O. S. 11—37-38. Exhibit P154 is this application. Exhibit P155 is the order sheet connected with that case. On 6th March 1940 Mr. M. P. Somasekhara Rao credited Rs. 42-4-0. The process memo for attachment of the car was filed on 12th February 1940 as per Exhibit P156. The date of hearing in that case was 4th March 1940 and the note in Exhibit P156 shows that the car could be attached in Chickpet on Gandhi Nagar though A1 is in Civil & Military Station. Exhibit P157 is the Will which is the subject of several proceedings referred to above and which was marked as Exhibit A in O. S. 11—37-38 on the file of the Additional District Judge, Exhibit P157.

Cross-examination by Mr. V. V. Srinivasa Iyengar:—

Mis. 176—37-38 was a case between the Bank of Mysore and Kaiser-i-Hind Mills. An application of the Bank related to a claim of priority in respect of funds collected in the liquidation proceedings of the Kaiser-i-Hind Mills. The Bank claimed several lakhs of rupees. In respect of the collections the Bank claimed that its dues should be paid first before other creditors were paid. That was certainly an important application. A5 was appearing for the Bank supporting the priority claim of the Bank. There were many people in the Additional District Judge's Court Hall where arguments were going on in that case. Mr. G. S. Dorasami Iyer also was present in the Court Hall then. (No insinuation is attached as stated by Mr. V. V. Srinivasa Iyengar.) That case was taken up in Court on 2nd March 1940 at 12 NOON or 12-15 P.M. Mr. B. Shankara Rao started arguments for the opponents of the Bank. All the other cases except one or two posted for that day were adjourned by the Additional District Judge. The Additional District Judge was rising for lunch generally at 2-30 P.M. on Court days. The arguments went on till 2 or 2-10 P.M.

A5 came to the Court Hall that day at 12-30 P.M. and he did not leave the Court Hall till the arguments were concluded. I remember having seen A1 at about 1 P.M. that day in the Court Hall. He stopped for about half-an-hour and then went away. There are two entrances to the Court Hall of the Additional District Judge. One of them is through the office. I did not see from which entrance A5 came to the Court hall and from which entrance he left it later on. I did

not see A1 after 1-30 P.M. that day. The Additional District Judge sat for work after lunch in the Court Hall. Even then I did not see A1 there. From 18th August 1939 I began working in the Additional District Judge's Court. I know nothing personally about the note in Exhibit P147. That note is in Muniappa's writing. He is before Court now. No document not filed in the case will be handed over to the Judge for reading by the Advocate.

I cannot say whether a copy of the Will was produced later in Mis. 67—35-36. Some adjournments till 4th March 1937 in Mis. 67—35-36 were for the convenience of the Court. I am personally acquainted with the proceedings only in Mis. 176 of 1937-38. I am aware only of one or two proceeding in O. S. 10—39-40 and O. S. 11—1937-38. Apart from the petition for priority posted for 2nd March 1940 there were several other petitions posted for 2nd March 1940 in connection with Kaiser-i-Hind Mills Case. Mysore Railways had filed one petition. I do not remember if Mr. G. S. Doraswamy Iyer's application for his fees was also heard that day. Exhibit D3 is the proceedings for 2nd March 1940 in Mis. 176—37-38. Mr. G. S. Doraswamy Iyer was summoned for that day in that case only to produce certain documents. On 2nd March 1940 arguments were heard and orders reserved in that case.

Re-examination.—The proceedings of 17th July 1939 in that case show that Mr. G. S. Doraswamy Iyer requested for permission to retire from the case for M. S. Railway. He was permitted to do so. From May 1939 Mr. Sheriff appeared for the opponent in that case. Mr. G. S. Doraswamy Iyer had two other cases in which he appeared on 2nd March 1940. They are Mis. 244—38-39 and O. S. 47—31-32. The latter case was argued that day by Mir. G. S. Doraswamy Iyer. A5 was appearing for one of the defendants in O. S. 41—31-32. Mr. G. S. Doraswamy Iyer appeared for another defendant in that case.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
15-7-40.

Deposition of B. Narayana Rao, P. W. 58.

Father's name—Venkatanarasimha Sastry.
Age—38 years.
Caste—Brahmin.
Occupation—Merchant.
Residence—Basavangudi, Bangalore City.

Duly sworn.
15-7-1940.

I am the sister's son of the late Mr. M. Krishna Murthi. I was residing with him. On a Sunday certain articles were recovered in the Hebbal Tank. I see them. These are M. O. 6, M. O. 7, M. O. 8. They belonged to Mr. M. Krishnamurthi. On that day M. O. 9 also was recovered

I know nothing about it.

Cross-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
15-7-40.

Deposition of P. Sreenivasa Rao, P. W. 59.

Father's name—P. Venkata Rao.
Age—42 years.
Caste—Brahmin.
Occupation—Bench Clerk, District Judge's Court.
Residence—Bangalore.

Duly Sworn.
15-7-1940.

I am the Bench clerk since 1931 in the District Judge's Court. The order sheet, Exhibit P 118, is mostly dated by me. The red ink portion of Exhibit P 119, (a) is written by me and initialled by the Judge. From 1936 I am looking after the original cases also.

I remember the proceedings in Mis. 67—35-36. In that case the petition was filed by A1 and his counsel was A5. That was a petition for the appointment of a guardian to the minor brothers and sisters. That was filed on 16th November 1935. In that petition reference is made to the last will and testament of Muninanjappa. One of the questions connected with the petition was regarding the will Exhibit P157. One Balakrishna Mudali an attestor of the will was examined in Court on 25th September 1937. The original will was also exhibited there as Exhibit A. Mr. Balakrishna Mudali was cross-examined by Mr. M. Krishna Murthy. The cross-examination by Mr. M. Krishna Murthi had not been finished and it was reserved as it was 5 P.M. It was adjourned to 27th September 1935. In Exhibit P 120, the objection statement filed on 6th January 1936 by Lakshmamma, I read para 4 of Exhibit P 120. On that question the case was posted for arguments from 10th June to 12th June. That question was whether the petitioner can rely on the will of the deceased Muninanjappa without producing a probate.

Exhibit D4 is the order passed on 17th August 1936 on that objection of Lakshmamma. Ext. D5 is a reply filed by A1 in that case on 25th March 1936. Ext. D 5(a) in Ext. D5 shows that the copy of the will has been produced with Ext. D5. Para 5 of Ext. D5 states that the petitioner A1 was anxious to proceed with the question of the genuneiness of the will. On 10th January 1936 there is a reply filed by A1 as per Ext. D6. I see para 3 of Ext. D6. It contains the allegations of A1 with regard to the will. There is a copy of the will in the record which is Ext. D1. It purports to have been filed in the office on 25th March. The year is not mentioned. I see an endorsement Ext. D1 (b) which shows that A1 has presented it in person. That endorsement is in the writing of Mr. Anantharaju, the present Sheristedar of the District Court.

At the instance of M. Krishna Murthi the cross-examination of Balakrishna Mudali was reserved. As it was 5 P.M. then it was reserved. His further cross-examination was not completed afterwards. The proceedings do not show that Mr. M. Krishna Murthi pressed for the further examination of Balakrishna Mudaliar, when the matter in the case came up against before Mr. S. Venkata Ranga Iyengar. I do not know why further evidence was not recorded in the said guardianship case. Only one witness was examined and his further examination was reserved. On 2nd September 1936 an order was made posting the case for evidence to 1st October 1936. Thereafter the case was adjourned from time to time till 4th March 1937 for the convenience of the Court. It was on 4th March 1937 A5 produced the original will Ext. P 157 in Court as per order of the Court Ext. D7. From 30th March 1937 Mr. M. P. Somasekhara Rao began appearing for A1 in the guardianship case. From 30th March 1937 A5 ceased to appear in that case. I say so by seeing the records. When witnesses are brought to the Court or summoned and brought to the Court no adjournment batta will be paid except with the orders of the Court. Even if the Judge is engaged in Sessions the order will be passed for payment of batta. Ext. D8 is an application filed by A1 for the issue of prohibitory order to the Bank. Ext. D 8(a) is the order of the Judge directing the issue of the prohibitory order. The Judge himself has noted that A5 presented it in person. This must have been presented to the Judge in chambers. I do not know if there is a practice of calling for documents which purport to have been filed in Court but not filed at all along with petitions. Ext. D9 is an objection filed by A1 in the guardianship proceedings. Exts. D10 and D11 are other objections filed by A1 on 9th July 1938

and 6th August 1938. Ext. D12 is an affidavit filed by A1 on 28th November 1938. Ext. D13 is the order sheet in the O. S. 28 of 1938-39. Ext. D14 is the plaint in that case. Ext. D15 and D15(a) and D. 15(b) are the written statements in the case. Exts. D16 is the reply filed in that case. Mr. M. Krishna Murthi was the advocate for plaintiff in that suit. From the proceedings of the case I see that A5 had been cited as a witness for defence and that he was present in Court on 14th December 1939. A5 complained that the batta was insufficient.

Re-examination.—

Ext. D 5(a) appears in para 4 of Ext. D5. The words " however copy of the will is produced " are in ink. Ext. D5 was produced by A5 as can be seen from the endorsement of presentation in the writing of Mr. Anantaraju.

Ext. D6 was filed by the Advocate in Court on 10th January 1936. This is signed by A5. Mr. B. T. Ramaswam appeared for A5 on that day on behalf of the petitioner.

I see Ext. D 1(a) and Ext. P 157.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
15-7-40.

Examination with permission by Mr. G. S. Doraswamy Iyer :—

A1 is the seventh defendant in O. S. 28 of 38-39 as can be seen from Ext. D 14. The will is referred to in Ext. D14 as an alleged will. There is no note in the proceedings of Mis. 67 of 35-36 stating that A5 has retired from the case. In Ext. D7 the proceeding of 4th March 1937 shows that A5 wanted permission to withdraw from the case by 30th March 1937 and the Court ordered that he may do so.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
15-7-40.

Deposition of Muniyappa, P. W. 60.

Father's name—Seenappa.
Age—42 years.
Caste—Kshatriya.
Occupation—Clerk, District Court, Bangalore.
Residence—Bangalore City.

Duly Sworn.
15-7-1940.

I am working in the District Court since 1922 and 1923. From 1930 I am in charge of Execution and Miscellaneous Cases. The black ink portion Ext. P119(a) is in my writing.

Cross-examination Reserved for want of time.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.

Witness recalled and cross-examined.

Duly affirmed.
16-7-40.

Cross-examination by Mr. V. V. Srinivasa Iyengar:—

Ext. P 119(a) is not dated by me. I did not draw the attention of the counsel or party to this omission. I did not think it necessary to do so. 5

Re-examination.—

I made that note at the time the application was filed.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO, 10
Second Additional Sessions Judge.
16-7-40.

Recalled, sworn and further examined:—

I am aware of the proceedings in Mis. 186 of 1936-37. Petitioner in that case was one Sanjeeviah. A1 and Sharabanna were the opponents in that case. 15 Sharabanna was represented by Mr. M. K. Murthy. Second opponent, K. M. Narayana Reddy, was represented by A5 and Mr. Srinivasan. On 24th February 1938 and 5th March 1938 the learned Judge has noted the appearance of the counsel on both sides. This case was disposed of on 17th July 1939. A5 has not retired from the case. Ext. P 247 is the record of that case. 20

Cross-examination by Mr. V. V. Srinivasa Iyengar:—

I knew nothing personally about the case. There was no contest between the two opponents. They succeeded in the case. After 5th March 1938 A5 has not entered appearance for opponent Narayana Reddy.

Ext. D30 is a copy of the order sheet in O. S. 11 of 1925-26 on the file of the 25 District Judge, Bangalore. Shamanna Gowda and Chandrasekhara Gowda were plaintiffs in that case. A5 appeared for defendant in that case.

Re-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO, 30
Second Additional Sessions Judge.
29-7-40.

Deposition of Mr. P. Vasudeva Murthy, P. W. 61.

Father's name—B. Seshagiri Rao.
Age—45 years. 35
Caste—Brahmin.
Occupation—Advocate.
Residence—Basavangudi.

Duly Sworn.
16-7-40. 40

I have been a member of the Bangalore Bar since July 1918. I was retained by the Mysore Bank as their legal adviser from 1st July 1933 to 1st July 1937. After that I ceased to be so and A5, Mr. S. K. Venkataranga Iyengar, took my place. Exhibit P29 is a letter written by me to the Bank. Exhibit P29 (a) is not in my writing. I wrote Exhibit P29 when the Bank consulted me in regard 45 to Exhibit P27. The Bank then wrote to me Exhibit P28 enclosing Exhibit P27. Subsequently I received from the Bank a letter as Exhibit P32 dated 21st June 1935 enclosing Exhibit P31. I replied to the Bank as per Exhibit P33. I also wrote the letter Exhibit P37 to the Bank. Mr. S. K. Venkatarangiengar referred to in Exhibit P37 is A5. Exhibit P38 is the draft reply I 50 enclosed along with Exhibit P37. I sent a reply as per Exhibit P38 to A5 and sent a copy of this reply to the Bank. Sometimes the replies would be sent to the Bank for despatch to the addressees. Exhibit P38 is a reply to A5's letter Exhibit

P36. Exhibit P38(a) is not in my writing. Exhibit P36 does not refer to enclosing any copy of the Will. The Bank had sent me a copy of the Will and I have referred to it in Exhibit P38. Sometime before or after or at the time of this correspondence I had a talk with A5 on this subject. I do not remember the details of the conversation. However I remember I told A5 that unless the order of a competent Court preventing payment by Bank was obtained the money could not be withheld. Snbsequently he told me that such an order had been obtained by the District Court. I do not remember to have seen the original Will. I have not seen the original Will. Subsequent to this correspondence I was not consulted again about this matter by the Bank.

Cross-examination by Mr. V. V. Srinivasa Iyengar :—

Exhibit P27, the first communication from A1, was sent to me by the Bank. I do not remember having noticed in Exhibit P27 that A1 had described himself as the legal representative of Muninanjappa. Exhibit P27 contains a reference to a Will. I did not think it necessary to call for and peruse the Will. I do not know when and how the Bank received the copy of the Will.

Re-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
16-7-40.

Deposition of S. Subba Rao, P. W. 62.

Father's name—Seenappa.
Age—48 years.
Caste—Brahmin.
Occupation—Amin, First Munsiff's Court, Bangalore.
Residence—Bangalore.

Duly Sworn.
16-7-40.

Exhibit P108, the attachment warrant, had been entrusted to me for execution. I returned the warrant with my endorsement, Exhibit P108 (c).

Cross-examination by Mr. G. R. Ethirajalu Naidu.—

Laxmamma was the decree-holder in that case. I know her son Kodandarama Reddy. I saw him after I made the endorsement, Exhibit P108 (c). I had gone to decree-helder's house after I was given the warrant. The decree-holder said that she would consult her lawyer and let me know what I had to do. She had asked me to see her on 1st March 1940. I did go to her that day at 3 or 3-15 P.M. She told me that she forgot to ask the lawyer and that I should go to her lawyer and that she would send her driver with me. She did not tell me anything about any car. I have changed the date of my endorsement from 1st March 1940 to 2nd March 1940. I wrote it on 1st March 1940 but as it was late that day I altered the date and returned the warrant to the Court.

Cross-examination by Mr. V. V. Sinivasa Iyengâr.—

According to Exhibit P 108 I had to attach the Talbot Car belonging to A1. It had to be attached in Chikpet or Gandinagar. I was not acquainted with A1. I wanted to get instructions from A1 where and when the car could be had at Chikpet or Ghandinagar. I did not know Laxmamma also before that. I wanted to ask her at what time the car would be available for attachment and whether it could come near her house. Kodanda Rama Reddy was not there when I put her this question. I did not question her what necessity there was to consult the lawyer. I knew her lawyer was M. K. Murthi. I knew him personally. I did not consult him before I went to Laxmamma. I went to him on 1st March 1940 and got the endorsement made by him. Laxmamma told me nothing else except saying that she should consult her lawyer. At 1 or 2 P.M. on 2nd March 1940 I met Kodandarama Reddy. He had come to see the Nazir to get the attachment

of the car effected. He made enquiries as to with whom the warrant was. I told him that the warrant was with me and that I had returned it. I did not see if he was disappointed then.

Re-examination.—Nil.

Read over, interpreted and admitted to be correct. 5

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
16-7-40.

Deposition of Nanjappa, P. W. 63.

Father's name—Venkatappa. 10
Age —55 years.
Caste—Reddy.
Occupation—Jirayathi.
Residence—Kodihalli, Bangalore Taluk.

Duly Sworn. 15
16-7-40.

I am not the patel but I am called the patel. My son works as patel. My village is ¾ mile from Dommalur. I know A1, Narayana Reddy. Four months and 14 days ago I had come to Bangalore to go to the Sub-Division Office. I had a case in that Office. I was a witness for B. Nanjundiah in that office. After my 20 examination I went to Ulsoor by bus and stayed near the Police Station there. I then proceeded on the road in front of A1's house to go to my village. Then A1 and his driver Ponnambalam came from A1's house in the car of A1. That car is M. O. 3. A1 questioned me where I was going. I told him I was going to my village. A1 invited me to sit in his car. I went and sat in the car. A1 was driving the car. I got down the car a little beyond Dommalur. The car proceeded towards Murgesapalya.

Cross-examination by Mr. G. R. Ethirajulu Naidu.—

I knew A1 from his boyhood. I am not aware of any disputes between A1 and his mother.

Cross-examination by Mr. H. R. Guruva Reddy.—

I did not see any *saamans* in the car.

Re-examination.—Nil.

Read over, interpreted and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
16-7-40

Deposition of Nanjappa Reddy, P. W. 64.

Father's name—Gurappa Reddy.
Age—85 years.
Occupation—Agriculturist.
Caste—Reddy.
Residence—Appireddipalya, Bangalore.

Duly Sworn.
16-7-1940.

I know A1 from his childhood. I knew his father Muninanjappa from his boyhood. I was going to Muninanjappa's house now and then before his death. When he was well I used to visit him once in three or four days. He too used to come to me. When he fell sick I was visiting him daily. At first he was quite conscious. Gradually he began losing conciousness. Then his legs got swollen. Eight days prior to his death he ceased talking and his eyes got hazy and he could not recognised persons. He was like this till his death.

Cross-examination by Mr. G. R. E.—I was born in Appireddipalya. My business in mostly in Ulsoor and Cantonment. Telugu and Tamil languages are spoken in Ulsoor, Cantonment and Appireddypalya.

(Witness was examined in Telugu and answered in Teluge).

Cross-examination by Mr. H. G. R.—I know A3. He began working under me 12 years ago. For some years he worked under me and then took up gardening. He has four children, a wife and a father. A3 lives with them in my village. He was of good conduct so long as he was under me. I used to take him whenever I had extra work. Three months before the rumour of murdur of M. Krishnamurthi A3 left my service. I see A2. I know him. He was living in my village. He come there 3½ or 4 years ago. He lives there with his wife and child. He was working under one Maniah in my place. Two months before the murder of M. Krishnamurthi A2 came to work under A1.

Cross-examination by Mr. G. R. E.—A2 and A3 also talk Telugu at home. In Muninanjappa's house also his people talk telugu.

Cross-examination by Mr. V. V. S. I.—I had gone to Muninanjappa's house at the time of his death. I used to go to his house occasionally after his death. He and I belong to the same caste. Laxmamma's father was my distant cousin. I was talking to Lakmamma till disputes arose between her and har son. After these disputes arose I do not go to them. More than a year ago I had gone to her in connection with the dispute between her and her son. I cannot give the date or month on which I last saw her. When I saw her last she was living in the old house at Ulsoor. At that time she and A1 were living separately. I myself went to Laxmamma's house then. I had no business with her then. I met her that day and spoke to her. She told me that she had quarrelled with A1 and had came away separately. She did not tell me about the conduct of A1 that day. I told her not to quarrel and came away. I am not literate. I cannot read or write. Muninanjappa had n written a single letter to me during the fifty years I knew him. There is r reference to show the relationship between me and Muninanjappa. I can not gi the date or month on which I saw Muninanjappa. He and I used to visit each othe I do not know the English month and dates or Telugu months or date. I cann give the date or month in which Muninanjappa died. He died five years ago. I d not do any business there during the time I visited Muninanjappa for a mon before his death. I saw Doctor Shankar Rao, one day with Muninanjappa at 7A.I one day. I advised him to go to the Hospital and he said that the Doctor himse was coming and attending on him. I cannot say on what date I saw the Doctor Muninanjappa's house. I did not see any other Doctor there. Many people we coming to his house when he was sick, Domlur Pilliah, the father of Gurumurth was visiting him. Gurumurthi is Muninanjappa's son-in-law and he was livir with Muninanjappa in the same house. Pilliah lives at Domlur. Hudi Laxma Reddy used to visit Muninanjappa. He visited him 10 or 15 days prior to h (Muninanjappa's) death. Krishnappa of Hudi was one of those whom I met Muninanjappa's house within eight days prior to the death of Muninanjapp Krishnappa appears to be a respectable man. I met him there five or six days befo Muninanjappa's death. I do not remember the names of others whom I met ther A number of people were coming from the City and Cantonment to see him. Son people were coming in cars and horse carriages. I have not spoken to Muninanjap about his family affairs after he was ill. I used to talk to him before that. A his properties were his self-acquisitions. He was interested in his community. do not remember if there was an association called "Reddy Sangam". We had m once to form a Sangham. Muninanjappa had come there then. I do not know if h was the President of that Sangham. Subbiah was the President of that Sanghar In that meeting Muninanjappa had promised a large donation. He was religio by temparament. He was celebrating Sree Rama Navami Utsava every year and w feeding the poor. He was feeding the poor every year at the time of Somesvaraswan Car festival. He was charitably disposed. I am not a Doctor. I do not rememb the subject matter of the last conversation I had with Muninanjappa. I talked t him last one month before his death when I advised him to go to the Hospital. Aft that I asked him how his health was. This was till 10 or 12 days before his deat He used to say "what can I do. You told me to go to the Hospital but the Doctor coming to me." Some days I used to see him and go away. From eight days befor

his death though I talked to him he could not talk. From this I inferred that he had lost consciousness. I have seen before, that persons losing consciousness. I do not know if persons lose consciousness once, recover it again. Persons when I saw lose consciousness never recovered afterwards. I have seen 5, 6 or 10 such cases in my house. I have seen sick people wantenly not answering questions put to them. I cannot say if I saw him on Saturday preceding the date of his death but used to go there daily. I used to go there at 7 A.M. and stay there till 8 or 8-30 A.M. I used to visit him only in the mornings and not in the afternoon or evening. I was not talking to any one else in his house there. Appireddipalya is about half a mile from his house. There are near relations of Muninanjappa in Ulsoor. Thimmiah and Subbiah are some of them. There are 5 or 6 families who are near relations of Muninanjappa at Ulsoor. Subbiah lives near Muninanjappa and he is his close relation. Muninanjappa had no relations in this city. I am not aware of any Panchayati after Muninanjappa's death. Since two years my sight is defective. It was all right five years ago. I do not know what important event or conversation took place in Muninanjappa's house 15 days before his death.

Re-examination.—A2 and A3 were loyal and obedient to me.

R. O. I. A. C.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
16-7-40.

Deposition of Chikkanniah Reddy, P. W. 65.

Father's name—Dodda Thippa Reddy.
Age—39 years.
Caste—Reddy.
Occupation—Milk Merchant.
Residence—Appireddipalya, Bangalore.

Duly Sworn.
16-7-1940.

I know the deceased Muninanjappa. I knew A1. I knew them from my childhood, I was visiting their residence. I remember Muninanjappa was ill for two months before his death. I used to visit his house during his illness every day. My mother and Laxmamma are daughters of distant cousins. For eight or ten days before his death Muninanjappa had lost consciousness. He was not in a position then to talk much. If we talk anything during that period he used to talk something himself incoherently. Before he lost consciousness Muninanjappa did not talk anything about his properties or any Will. He was friendly with me before he fell sick.

Cross-examination by Mr. H. G. R.—A2 and A3 live in my place. A3 was working under P. W. 64, Nanja Reddy, before A2 was working under Monniah. I kept A2 for work under A1 within two months prior to the death of the lawyer. A2 used to go to work under A1 at 6 or 6-30 A.M. and come back in the evening by lamp-lighting time.

Cross-examination by Mr. V. V. [illegible] I am not literate. I write somewhat but I cannot write much. I do agriculture and vend milk in my village. I sell milk in Ulsoor. I send milk with my servants to my customers. I had no correspondence with Muninanjappa. I cannot well identify the writing or signature of any one as I am not sufficiently literate. I was asking Muninanjappa only the question how he was eight days before his death. He did not talk then. I cannot give even one instance of his incoherent talk. I had gone to Muninanjappa on both the days preceding his death. Even on those two days he was talking in the same manner. He was hearing our questions. His hearing may not have been affected. His hands and legs were swollen. He was weak then. He was talking low. He was taking fruit juice under compulsion. Laxmamma was giving it to him. I cannot state specifically the dates on which I visited Muninanjappa. How can I say what transpered on each day I went there as it is nearly five years now. I used to visit him at 11 A.M. or 12 NOON daily as I was supplying him milk then. I was

not supplying milk to him but to Ulsoor. There are four or more families in Ulsoor who are related to Munindanjappa. Some of them live near and some far off from his house. These relations used to visit Munindanjappa when he was sick. Many people used to visit him. Many respectable people used to visit him in his sickness. I cannot mention the names of even a few people among the respectable people that visited him as I do not remember their names. His relations at Ulsoor are respectable men. I cannot remember at what time I went on a particular day. I used to stay there from 11 A.M. to 3 or 4 P.M. I do not now remember the subject of conversation I had with Laxmamma. I was asking both Lakmamma and Munindanjappa about the health of the latter. Munindanjappa was a big man in our community. One Doctor was visiting him. I did not ascertain from him how Munindanjappa was. No Ayurvedic Doctor was visiting him. I do not know Anagondanhalli Narasimhiah. Some doctor that had an hospital at Uloor was treating him. I used to ask Munindanjappa daily how he was feeling. In reply he used to talk ಏನೇನೋ which I could not hear. Munindanjappa was lying in a bed on a cot. I used to stand by his side and question him about his health. I did not talk to A1 during the eight days before the death of Munindanjappa. Pilliah used to come there now and then. I used to see him there occasionally. I knew Bereke Venkatasami. He used to come occasionally to Munindanjappa's house when Munindanjappa was ill. I saw him once or thrice there. I do not remember well B. Venkatasami who lives behind the house of A1. I do not know Hoskote Nanjundappa. There is an out-house in Munindanjappa's compound. Some tall man was living in that out-house. I did not see him visit Munindanjappa whenever I went there.

Re-examination.—Nil.

R. O. I. A. C.

(Sd). A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
16-7-1940.

Deposition of H. G. Shamanna, P. W. 66.

Father's name—H. Gopaliah.
Age—28 years.
Caste—Brahmin.
Occupation—Shanbhog.
Residence—Hebbal, Bangalore.

Duly Sworn.
16-7-1940.

I am the Shanbhog of Hebbal. On the 9th and 10th March 1940 the Police made people get down the tank to search for articles. For articles found on the 10th March 1940 I have written the Mahazar. I was present on both the days. I searched the body of persons that got into the tank. Nothing was found on the 9th March. The Police kept a watch over the tank that day. The next day when search was made in the tank M. Os. 6 to 9 were traced near the water gauge stone and between the gauge stone and the tank bund. Approver Ponnambalam identified these M. Os. He is now before Court. Approver pointed out the place where he had thrown these M. Os. When he said so we began a search for them. The Police seized the articles after Mahazar.

Cross-examination by Mr. H. G. L.

On the night of 9th March 1940 I had not gone near the tank.

Re-examination.—Nil.

R. O. I. A. C.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
16-7-40.

Deposition of Abdul Sattar, P. W. 67.

Father's name—Syed Peer.
Age—38 years.
Caste—Muslim.
Occupation—P. C. No. 23, High Ground.
Residency—Bangalore.

Duly Sworn.
16-7-40.

I was keeping watch over Hebbal Tank. On the 9th March 1940. I did not allow anyone else to get into the tank till the next day after we began the watch.

Cross-examination.—Nil.

Read over, interpreted to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
16-7-40.

Deposition of Thimmarayappa, P. W. 68.

Father's name—Venkataramanappa.
Age—40 years.
Caste—Ganga Mathastha.
Occupation—P. C. No. 382, Bangalore City.
Residence—No. 7, VI Cross, Cobbonpet.

Duly Sworn.
16-7-40.

I was present when a search was made on 9th March 1940 in Hebbal Tank. Nothing was found in the tank on 9th March 1940. I and others were keeping watch over the tank after the search on 9th March 1940 till next morning when the Police officers came there. We did not allow anyone to get into the tank or throw anything there after we began the watch till Police Officers came there.

Cross-examination.—Nil.

Read over and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
16-7-40

Deposition of Anniah, P. W. 69.

Father's name—Muniswamy.
Age—30 years.
Caste—Thigalar.
Occupation—Gardener.
Residence—Dodda Kunte, Bangalore Cantonment.

Duly Sworn.
16-7-40.

Four months ago I was watching A1's gardan which has been leased to Kalappa, my father-in-law. I knew P. W. 33 Ponnambalam and A-3 Rama. These two were living in a room in A1's garden which I was watching. On a Sunday morning at 6 A.M. four or five months ago A3 Rama brought the overcoat M.O. 2 to the garden and kept it in the room he was living. Four or five days after he did so A3 was arrested. After A3 was arrested I was using it as I was feeling cold. Four or five days later the Police came with A3 and seized the overcoat M. O. 2. I had kept it there on a stone near the pump. The Police seized it there. I pointed out the place where it was. The Police had come with A3 for M. O. 2. The Police at first went to the room where A3 and P. W. 33 were living. M. O. 2 was not there. I pointed out the place where it was. The Police held a Mahazar when they seized it.

Cross-examination by Mr. G. R. E.—

A1's house is 1½ miles from this garden. P. W. 33 was A1's Driver. It was only on that day Sunday, that I saw Ponnambalam in the room in the garden.

Cross-examination by Mr. H. G. R.—

5 Tolasamma and Kalappa were the lessors of the garden. Anyone in the garden can get into the room of that garden. Fifteen or 20 people were watching the garden. I do not know if A3 owns a house in Appireddypalya. He was coming from there. A3's business was only to watch the plants in the garden during day time. We used to keep watch at nights. I saw A3 coming with 10 M. O. 2 outside the garden.

I have stated in the lower Court that I saw A3 inside the garden with an overcoat. I did not see if M. O. 2 was in the room for 15 days before that. I came out of the garden and saw A3 holding M. O. 2. I then went away. I have not stated in the lower Court that the Police went into the room first.

15 *Re-examination.—*

I have stated in the lower Court that A3 went inside the room.

Read over and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
20 16-7-1940.

Deposition of Mr. P. Bheema Rao, P. W. 70.

Father's name—P. Rama Rao.
Age—39 years.
Caste—Brahmin.
25 Occupation—Advocate.
Residence—Bangalore City.

Duly Sworn.
17-7-1940.

I am a member of the Bangalore Bar since 1925. I was working in 30 Mr. M. K. Murthi's Office from 1925 to 1931. Thereafter I had my own office. I used to assist him even after I opened my office whenever he wanted my services. I am aware of the case that went on between A1 and his mother. I knew A5. In December 1939 when I was in the Second Magistrate's Court, Bangalore City, A5 approached me and drew me into a conversation. Referring to the dispute bet- 35 ween A1 and his mother, A5 told me that M. K. Murthi was grinding his axe against him (A5) and that M. K. Murthi was making much of this Will affair. A5 also told me that he did not much mind if the Will was not proved provided parties settled their differences and asked me if I could interfere in the matter as I had some influence with M. K. Murthi. I told A5 that there was no use of inter- 40 fering to settle with M. K. Murthi as the latter was adamant and that he was determined to expose him (A5.) I told him that anyway I would have a talk with M. K. Murthi. The state of feelings between A5 and M. K. Murthi were very bitter.

Cross Examination by Mr. V. V. S. I.—

45 A5 came and sat by my side and started the conversation. The Magistrate was going on with his work. This conversation was casual and not by special appointment. I know A5 ceased appearing for A1 in Court sometime in 1937 or so. I cannot give the time. It is quite reasonable and proper for the members of the family to settle their difference in the matter of their family disputes. It is 50 not improper for any right minded man to offer to settle such disputes if the members so desire. I did not think it wrong when A5 made this suggestion. A5 has not spoken to me about his ill will against M. K. Murthi and neither has he abused the latter in my presence. Still I knew the feeling between the two were bitter. There was a Small Cause suit filed by M. K. Murthi against one 55 Muthanna for legal services rendered. I represented M. K. Murthi in that case. There was an *ex-parte* decree in that. It was eventually set aside. A5 represented

the Defendant in that suit and worked against Krishnamurti out of spite. That suit was decreed for a little less than the sum claimed. The matter is pending in the High Court. M. K. Murthi claimed Rs. 500 and odd in the S. C. Court and the decree was for Rs. 380 and odd. I cannot give the exact figures without the case file. I conducted that suit for M. K. Murthi till it was decreed and till M. K. Murthi was alive. M. K. Murthi pleaded an agreement on the basis of quantument. That agreement was denied by Defendant in that case. I cannot say whether the agreement was held not true as I have not read the judgment. It must be on the principle of quantument the decree must have been passed. A5 acted in that case as counsel for Defendant. I referred to the spite above which I gathered from earnestness of A5 and from the way he cross-examined Mr. M. K. Murthi. This is the inference I have drawn. I do not say that this inference is wrong. Ordinarily I do not say that there would be spite if a counsel cross examines a witness earnestly and severally. There is no other instance of ill-will between A5 and M. K. Murthi unconnected with professional matter. I did not use the expression bitter feeling in the lower Court as I was not asked about it. I say that the conversation between me and A5 was after M. K. Murthi's cross-examination in the S. C. Court.

Re-Examination.—Nil.

Read over and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
17-7-40.

Deposition of *Sastravydhya Pravina* Dr. S. Subba Rao, P. W. 71.

Father's name—Mr. Srikantiah.
Age—56 years.
Caste—Brahmin.
Occupation—Medical man.
Residence—Basavangudi, Bangalore City.

Duly Sworn.
17-7-40.

In 1935 I was the Senior Surgeon to the Government of Mysore and head of the Medical Department. When I was Senior Surgeon I had consulting practice whenever I had time. Exhibit P 158 and P 158 (a) are two prescriptions prescribed by me to Muninanjappa on 7th January 1935. At that time I was living in Visveswarapuram, Bangalore City. The medicine prescribed in Exhibit P158 was intended to increase the secretion of urine and the medicine prescribed under Exhibit P 158 (a) was for strengthening the heart. I do not remember the condition of the patient at that time.

Cross-Examination by Mr. V. V. S. I.—Both these mixtures had to be taken by mouth. I must have seen the patient and prescribed the medicine.

Re-examination.—Nil.

Read over to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
17-7-1940.

Deposition of K. V. Ramachandra Rao, P. W. 72.

Father's name—Vallabharayappa.
Age—30 years.
Caste—Brahmin.
Occupation—Mandy merchant.
Residence—513, Visweswarapuram, Bangalore City.

Duly Sworn.
17-7-1940.

I know Accused 5. I knew the deceased Muninanjappa. I know Accused 1. I see the Will, Exhibit P 157. I have written this Will. I wrote it in the

house of Munindnjappa as dictated by Accused 5, Venkatarangaiengar. When I took the thumb mark of the deceased Munindnjappa for Exhibit P157 Munindnjappa appeared to me to have no consciousness. I see some interlineations as per Exhibit P157 (a) to P157(d). Accused 5 dictated a draft of the Will to me that morning. I fair copied Exhibit P157 by looking into that draft. At about 5 P.M. Accused 5 came to Munindnjappa's house and read Exhibit P157. When he read it it was found that certain sentences found in the draft had not been incorporated by me in Exhibit P157. Then I added these omissions in Exhibit P 157 as per Exhibit P 157(a) to (d). After Exhibit P157 was fair copied the draft was torn by some one. I cannot say if I had copied Exhibit P 157 correctly at first. I knew from my memory that these interlineations were omissions in copying from the draft, at first. The portion Exhibit P 157(e) was written after Munindnjappa put his thumb mark and after the attestors attested it. I was then working as a clerk in Anekal Thimmiah's Mandi. Even now I am there. Accused 5 and C. V. Narasimhaiengar are the lawyers for Anekal Thimmiah. My statement has been recorded by the Magistrate during the stage of investigation as per Exhibit P159. (Mr. V. V. S. I. objects to its admissibility. Objection over ruled.)

Cross-Examination by Mr. G. R. E.—

When I went to Munindnjappa that morning of the day on which Exhibit P157 was written Munindnjappa was talking in low voice. Women and children were round him. Elderly woman who was there was Lakshmamma whom I came to know that evening. That morning Accused 5 was questioning Munindnjappa whether the Will could be written. There were other persons besides the attestors when the thumb impression of Munindnjappa was taken to Exhibit P157. No one objected then to the taking of Munindnjappa's thumb mark to the Will.

Cross Examination by Mr. V. V. S. I.—

I write a good hand in Kanarese. Accused 5 knew that I was writing good hand in Kanarese as I was a clerk under Anekal Thimmiah. Thimmiah asked me to go when Accused 5's clerk came and called me. Prior to writing Exhibit P-157, I do not remember if I have written documents at the instance of Accused 5. Accused 1 Narayana Reddy and Accused 5 took me to Munindnjappa's house in Accused 1's car. Accused 5 told me in his house I would be taken for writing the Will of Accused 1's father. We all went to Munindnjappa's house. Munindnjappa was lying in a room in the verandah. After we went inside the house, Accused 5 went to Munindnjappa's room and asked Munindnjappa how his health was. Munindnjappa was replying in a low voice. I did not hear it. He was lying on a cot. I was standing inside the room but near the door. It was a big room. When Accused 5 asked about his health Accused 5 was standing by the side of his cot. Besides Accused 1, Accused 5 and myself there were 8 or 10 people in that room of Munindnjappa at that time. There were 6 male adults and 2 female adults and 1 or 2 children there. I was not acquainted with any of them. One or 2 of these male adults may have attested the Will that evening. I do not remember it. I cannot identify even now any of those male adults. I see one M. Gurumurthi has attested the Will. I do not know if that Gurumurthi was the son-in-law of Munindnjappa. That man Gurumurthi was also present in the morning in Munindnjappa's room when Accused 5 was enquiring about Munindnjappa's health. Accused 5 then asked Munindnjappa "shall we have the Will written" in Telugu. When they were talking about the Will I came out of the room to the verandah and then got into the opposite room and sat there. Accused 5 and Munindnjappa had conversation for something like ten minutes. Accused 5 asked Munindnjappa whether the Will could be written in a loud voice. The persons present in the room and myself heard his question. Lakshmamma was present in the room when the conversation took place between Accused 5 and Munindnjappa. Though I could not understand this conversation. I knew Accused 5 and Munindnjappa were talking. I was thinking that the conversation related to the making of a Will and so I came out after 5 minutes and sat in the room opposite. Accused 5 used the English word 'Will' when questioning Munindnjappa. None of the persons then in that room objected to the writing of the Will. Later Accused 5 came to the room in which I was sitting. He had no paper with him when he came to that room. He had no draft notes with him. Accused 5 had put on a coat then. After coming to the room Accused 5 dictated the draft

of the Will to me. I was writing to his dictation. I did not notice whether Accused 5 took any paper from his pocket for reference while dictating the Will. It was about 10 A.M. when the draft of the Will was commenced. It was about 12 NOON by the time the draft was completed. After dictating portions Accused 5 used to go to the verandah and came back. Each time he used to go out for five minutes. I cannot say how often he went out like this. I could not hear any conversation in Muninanjappa's room whenever Accused 5 went out as the rooms are far off from each other. There used to be some alterations in the draft after Accused 5's return each time. Whenever Accused 5 returned to the room he used to dictate alterations in the matter already written and I used to write these alterations. I cannot say how many such alterations were made. Some two persons were seated in the room in which I was writing the draft all along. They are male adults. I cannot say who they are and whether they are among the attestors of the Will. The door of the room in which the draft was written was open. People were moving about in the verandah. After the draft was finished Accused 5 went with the draft to Muninanjappa's room and returned. I do not know if he read out the draft to Muninanjappa as I was seated in the room itself in which I wrote it. I did not hear it read out as the rooms are far off from each other. I was seated in the room till Accused 5 returned to that room. Accused 5 had gone to Muninanjappa's room for 10 or 15 minutes. After his return Accused 5 told me that there were further alterations in the draft and that some lines had been scored off and that I must fair copy in accordance with the alterations and that he would go to the court and return. Accused 5 told me that Muninanjappa had got certain alterations made and had got some portions scored out and that he (Muninanjappa) has got the portions which he did not want scored out. I saw in the draft the lines struck out. I do not remember how many such alterations were in the draft. I was in Muninanjappa's house till evening. I made the fair copy of the draft. Exhibit P 157 is the fair copy. The papers on which I wrote Exhibit P 157 were found in Muninanjappa's house. I took the papers from there. I was given a fountain pen there to write the Will. Exhibit P 157 consists of 2 half-sheets and 1 full sheet. I wrote on the papers as they were given to me. I took the papers found there. It took an hour for me to write Exhibit P 157. I had no meals that day. Accused 1's brother took me to a hotel and got me some lunch near Ulsoor Police Station. That boy was 10 or 12 years old. I do not know his name. Accused 1 sent money with his brother and asked him to take me to the hotel. Accused 5 returned to Muninanjappa's bungalow at 5 P.M. Accused 5 then compared the draft and fair copy. Accused 5 had the draft and I read out the fair copy. This was done in the same room in which I wrote them. I was reading the fair copy aloud. Five or six others were present in the room when I read out the fair copy. I cannot say if they were strangers or people of the household. Some of them were among those who were in Muninanjappa's room in the morning. No ladies were there then. The alterations I made in Exhibit P 157 have been incorporated at the foot of that document. These alterations are in my writing and were made when comparing the draft with Exhibit P 157. The portion Exhibit P 157c has been struck off by me at the time of comparing. This is due to the fact that I may have written something not found in the draft. After the fair copy was compared I and Accused 5 went with the Will to Muninanjappa's room. It was then 6 or 6-30 P.M. About 7 or 8 people including the women of the house were in the room then. All the persons who have attested the Will were in the room then. I saw Laxmamma when she attested the Will. After we went into the room no one came from outside to attest the Will. Laxmamma too was in the room when we went there with the Will. I cannot say if Accused 1's brother who took me to the hotel was also in the room of Muninanjappa when we took the Will there. After we went to Muninanjappa's room Accused 5 began reading the Will in a loud voice and others could hear it easily. I cannot say if Muninanjappa approved of the Will as I was standing at a distance near the door.

Question.—Did Muninanjappa approve of the Will?

No answer.

I am under the impression that Muninanjappa had approved of the Will. If he had not approved of the Will I would not have proceeded with the further formalities such as attestations, etc.

No one including Muninanjappa objected to the contents of the Will when it was read out by Accused 5. I do not remember with whom the draft was when Accused 5 was reading out the Will. The draft was destroyed after the execution of the Will was completed in Muninanjappa's room. I did not tear it myself.

5 After the Will was read out the thumb impressions of Muninanjappa was taken to each page and to each correction and alteration. One of the men standing there went and brought the ink pad and assisted Muninanjappa in putting the thumb impressions. I cannot name that man. Accused 5 said that the thumb mark should be affixed to each page. I do not remember if any one pointed out 10 where the alterations and corrections were existing to enable Muninanjappa to affix his thumb mark. I was there at a distance of 8 feet from Muninanjappa. I have attested for each of the thumb impression of Muninanjappa by writing in English "L.T. mark of Muninanjappa". That is a correct statement I have made. All the attesting witnesses were present when Muninanjappa affixed his several thumb 15 marks to the Will. All the witnesses attested the Will immediately after Muninanjappa put his thumb impressions to the Will. The last thumb impression below Exhibit P. 157c has been attested by me in kanarese. That thumb impression is also that of Muninanjappa. There is the thumb impression of Laxamamma also in the Will. I have attested for her impression. She put it before me at that 20 time. One ಯೇ Pilliah has also attested the Will. I do not know who he is or was. He was one of those sitting there. After all the attestors attested the Will I have put 'ಬಿಕ್ಕಲಂ'. After everything was over people there were talking that the Will should be put in a sealed cover. I came away in the meanwhile. I do not know what became of it afterwards and with whom it was. I saw the Will again 25 when it was shown to me before the Additional District Judge by the police. I see Exhibit D1. This is in my writing. It is a copy of the Will Exhibit P. 157. I made the copy Exhibit D1 five or six months after Exhibit P. 157 was executed. Exhibit D1 is a copy of Exhibit P. 157. The police came and told me that I should depose for the prosecution. The police told me that I should depose in 30 connection with the writing of the Will. The police did not tell me that I should depose that Muninanjappa had no consciousness when he put his thumb mark. I did not know then that I had to depose contrary to the terms of the Will. I had been taken by the Police Sub-Inspector to the house of Mr. V. V. Naik the Superintendent of Police. In his house some Inspector recorded 35 my statement. Mr. V. V. Naik was not in the room when my statement was recorded. He was coming to that room now and then. Mr. Wynne, the City Superintendent of Police was sitting when my statement was recorded in the house of Mr. V. V. Naik. The Inspector was noting what I said in a small book. On the same evening I went to the Magistrate's court where my statement was recorded. 40 I was told to go there. As they were afraid that I would change my evidence my statement was got recorded by the Magistrate at 5-45 or 6 P.M. on 16th March 1940. The Police Inspector Narasimhiah took me and placed me before the Magistrate. None of the accused was present then.

Re-examination.—Reserved on the ground that the P.P. wants to put some 45 questions under Section 154 of the I. E. A. Mr. V. V. S. I. opposes this request. For arguments on this point as desired by 18th July 1940.

Read over to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
17-7-1940.

50

Later Mr. V. V. S. I. says that he does not wish to argue the point raised above and that the re-examination may proceed noting his objection. So I proceed with the re-examination. Public Prosecutor is permitted to put questions of the nature referred to under Section 154 of the Evidence Act.

55 *Re-examination.*—

Exhibit P. 160 is my writing before court to the dictation of the Public Prosecutor. Accused 5 sent word to me that as he had to give a copy of the Will to the court I should go and make a copy of the Will. It was not in the seald cover when I made the copy. I made the copy similar to the Will. I have used the words

'ರುಜುಮಾಡಿರುತ್ತಾರೆ' in Exhibit D. 1 at the end. I find these words in the Will also. Exhibit D. 1 was written in the mandi of Thimmiah where I am working. The word 'Copy' at the end of Exhibit D. 1 is written by me. Accused 5 has initialled and dated it on 23rd September 1935 as I see from Exhibit D. 1. Accused 5 initialled it before me in his office. Accused 5 gave the will to me that morning for copying it. I returned the will with the copy in the evening. Accused 5 was then working in Mr. C. V. Narasimha Iyengar's office. That office had a clerk by name Nanjundiah. I cannot say why Accused 5 got it copied through me and not by this Nanjundiah. I made only one copy that day. I remember having made 2 copies that day and not one. Each copy took about ½ an hour or ¾ of an hour. I was not paid anything for making these copies. The portion Exhibit P. 157e is not copies in Exhibit D1. I do not know the spelling of the word 'Testament.' Exhibit P. 157f is not in my writing. It appears to me that the corrections found in Exhibit P. 157 have been incorporated by me. I did not make an exact copy of the Will. Accused 5 did not tell me that a margin should be left in the copy although it was intended for a court. I felt when I saw Muninanjappa that he had no consciousness when he put his thumb mark. So I said so above. I must have deposed in the lower court that I was asked to sit out I do not remember it. Exhibit P. 161a is a portion of my deposition in the lower court. I have stated in the lower court that I did not know if Accused 5 showed the draft of the Will to Muninanjappa. I have stated in the lower court that there was no document with Accused 5 when he came to dectate the Will. As Accused 5 had asked me to stay there, I stayed there even without food. I have stated in the lower court that I did not see any reply having been given by Muninanjappa. I have stated in the lower court that I prepared the will from the draft as dictated by Accused 5. Accused 5 gave me the names of persons who attested the Will with their thumb marks. I then wrote for their marks. Exhibit P. 161 is my deposition taken before the lower court. (Permitted to be marked under Section 288 of the Criminal Procedure Code). What has been said in the lower court by me is true. What I have stated as per Exhibit P. 159 is also true. After I deposed on 16th March 1940 I have filed a complaint on 19th March 1940 stating that Mr. C. M. Garudachar and Mr. Sampathiengar now before court and father-in-law of Accused 5 were asking me what statement I gave before the Magistrate. I told them that I do not remember it. I do not remember if I have stated as per Exhibit P. 159a before the Magistrate. I have stated before that Magistrate that Accused 5 held a fountain pen before Muninanjappa and that the latter did not give reply. This is also true. Accused 5 told Muninanjappa to affix his thumb mark by showing signs to him. I have said this before the Magistrate. I have not deposed before the Magistrate as Exhibit P. 159c.

Further examination reserved for want of time.

Read over, interpreted to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,

Second Additional Sessions Judge,
17-7-1940.

Witness recalled and further examined. Duly Affirmed, dated 18th July 1940.

I have not written any petitions for Accused 5 for being filed in court. I did not go to Muninanjappa's room again in the afternoon till I went with Accused 5 and the Will. The draft contains the same amount of matter as contained in Exhibit P. 157. I cannot say why 1st sheet is a single sheet and the second sheet a double sheet. Exhibit P. 157f was not written before me. I do not know who wrote it. The blanks found in Exhibit P. 157 are also shown in the copy. I do not remember if there was any talk about the bonds when the Will was signed and attested. Accused 5 mentioned the woman's name as Laxmamma when she attested the will with her thumb mark. I did not do any work in the shop on the date I wrote the Will. My master's mandi is in New Taragupet. Accused 5's office is in Chickpet. I know Accused 5 since 6 or 7 years. I have not purchased the paper on which Exhibit D. 1 was written. I took this paper from Accused 5's office. Accused 5 had not told me to do any other work in the interval between his going to the court and coming back

to Muninanjappa's house. I did not tell Accused 5 that I would go home for food. I did everything that day for Accused 5. I saw Muninanjappa only that day. As I wanted to begin a new paragraph I scored out the letter '28' in the second page and began a new paragraph.

5 Read over, interpreted to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
18-7-1940.

Cross-examination with permission.

10 I asked Accused 5 in Kannada whose name I should mention when attesting the thumb mark of the women in Exhibit P. 157. Accused 5 said that her name was Laxmamma. That woman was present and standing when I put the question to Accused 5 and when he answered it. All the attestors also were present then. No objection was raised when the thumb mark was noted as that of Laxmamma. I 15 have stated before the Magistrate that when Accused 5 was asking Muninanjappa whether a will should be executed I came and sat in the opposite room. I have stated so in this court. This is a correct statement. I have said also before the Committal Magistrate. I may have forgotten to mention this before him and may have said before him that I was asked to sit out.

20 Read over, interpreted to the witness and admitted by him to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
18-7-19

Deposition of Mr. A. M. Bridle (P. W. 73).

25 Father's name—Jhon Bridle.
Age—61 years.
Caste—Roman Catholic.
Occupation—Chemist.
Residence—18, South Parade, Bangalore.

30 Duly Sworn.
18th July 1940

I am a Chemist for Bangalore Pharmacy from a long time. I have dispen the medicine prescribed in Exhibit P. 158 and P. 158(a) for Muninanjappa who my customer. Exhibit P. 162 is the certified copy of my prescription book show 35 the medicine prescribed to Muninanjappa. Exhibit P. 163 is a copy of anot prescription made from my prescription book for dispensing medicine for Mu nanjappa. That prescription has been given by Mr. J. B. Hance. That medic has been repeated on the 10th, 14th and 25th October 1934.

Cross-examination.—Nil.

40 Read over and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
18-7-19

45 Examination with permission.—

I have noted in my prescription book another prescription given by Mr. J. Hance as per entry P. 188(a) in Exhibit P. 188. Exhibit P. 189 is a true copy this prescription prescribed for Muninanjappa.

Cross-examination.—Nil.

50 Read over and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
18-7-19

Deposition of Mr. O. S. N. Shariff (P. W. 74.)

Father's name—Dr. Omar Sheriff.
Age—41 years.
Caste—Muslim.
Occupation—Advocate and Official Liquidator, Bangalore Bank, Limited (In Liquidation). 5
Residence—Basavangudi, Bangalore City.

Duly Sworn.
18th July 1940.

For the last 17 years I am a member of the Bangalore Bar. I am an Official Liquidator of the Bangalore Bank which is in liquidation. I am appointed by the District Judge, Civil and Military Station, Bangalore. All the papers relating to the Bank are in my possession. I produce the accounts in the Bank relates to the late Mr. K. Munindanjappa. Mr. Munindanjappa owned 155 shares in the Bangalore Bank. There is a letter purporting to be from Mr. Munindanjappa dated 6th January 1935 requesting the transfer of these shares to his son Accused 1 Narayana Reddy. That letter purports to bear the thumb mark of Mr. Munindanjappa. The attestation and letter are written in different inks. This letter is Exhibit P166 and the shares appears to have been transferred in the name of Accused 1. Exhibit P167 is the share transfer certificate that Accused 1 has transferred these shares to himself. Mr. Munindanjappa had 84,000 rupees, 1,000 in deposit in this Bank. He withdrew them in December 1934. These deposits had been made by him for and on behalf of minor children and himself as their guardian. These are fixed deposits made by him. Exhibit P168 to Exhibit P177 are the fixed deposit receipts relating to the deposits made by Mr. Munindanjappa. I have produced the current account books of the Bank for 1933 and 34. Exhibit P178 P179 and Exhibit P180 is the Savings Bank deposit ledger for 1933 to 1935. Exhibit P181 is a cheque drawn on the Bank by Accused 1 in favour of Accused 5 for Rs. 400. Exhibit P182 to P184 are three letters addressed to the Bank purporting to be from Mr. Munindanjappa. The body of these letters and the attestations are in different ink. The dates in each appears to be altered from 5th January 1935 to 3th January 1935. I see from the accounts that Accused 1 had current accounts n the Bank at that time. From his accounts I find that he had a balance of Rs. 3-7-0 in his favour on 31st December 1934. The amounts referred to in Exhibit P182 to P184 were transferred to Accused 1's account on 8th January 1935. On 9th January 1935 Accused 1 drew Rs. 100-0-0 from his account.

Cross-examination by Mr. G. R. E.—I took charge of the Bank affairs on 12th January 1939. I speak only by reference to the Bank records. Accused 1 opened his current accounts on 8th June 1934. Three thousand and five hundred rupees was the highest balance in his favour at one time. I cannot say who actually came to the Bank to withdraw the money from the fixed deposits referred to above. Exhibit P185 is the share ledger and Exhibit P186 is the fixed deposit ledger.

Cross-examination by Accused 5.—P182 to P184 are various requisitions received by the Bank for transfers. These requisitions have been given effect to by the Bank. I knew Mr. Gundappa who was a Bench Magistrate in Civil and Military Station. The date of attestation by the Bench Magistrate in Exhibit P182 to P184 is 6th January 1934. There is no doubt about this date. All these three bear the official seal of the Bench Court. There are endorsements in Exhibit P182 to P184 that the amounts should be debited to Mr. Munindanjappa and credited to Accused 1's accounts. These are in red ink.

Re-examination.—Nil

Read over and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
18-7-40.

Deposition of Mr. M. Dorakanna Naidu (P. W. 75.)

Father's name—Muniswamy Naidu.
Age—32 years.
Caste—Naidu.
5 Occupation—Clerk.
Residence—Bangalore Bank, Limited.

Duly Sworn.
18th July 1940.

I am working in the Bangalore Bank since eight years. I am aware of the 10 transactions of the late Mr. Muninanjappa and Accused 1 had with the Bangalore Bank. I have not seen any share transfer without the signature of the transferor. The share transfers are effected by the Accountant. The transfer in Exhibit P167 was effected by the Accountant. The proceedings book is in the Additional District Judge's Court. Exhibit P-185 (a) shows the transfer of 55 shares standing in 15 the joint name of Mr. Muninanjappa and Lakshmamma. Exhibit P-185 (b) shows the transfer of 100 shares standing in the name of Mr. Muninanjappa. I know Accused 1 brought a letter to the Accountant and got these shares transferred. Exhibit P-186 (a) to Exhibit P-186 (k) are the fixed deposit accounts which Mr. Muninanjappa had opened for and on behalf of his sons. Exhibit P-178 (a), 20 P-178 (b), P-178 (c) are the current accounts that stood in the name of Mr. Muninanjappa. Exhibit P-180 (a) is the Savings Bank Account of Mr. Muninanjappa. Exhibit P-179 (a) to 179 (d) are the current accounts that stood in the name of Accused 1. Exhibit P-180 (b) the Savings Bank Account in the name of the minor Kodandarama Reddy, guardian Mr. Muninanjappa.

25 *Cross-examination by Mr. G. R. E.*—The accounts do not show who actually withdrew the fixed deposit accounts. There must be a chellan in writing for payment of money. I have not seen these chellans. The liquidation proceedings were started on 21st June 1938. The business of the Bank began to fail from 1937 and the share value also began to fall. The share of the value of Rs. 10-0-0 30 had fallen down to one or two rupees in 1938.

Cross-examination by Mr. V. V. S. I.—The red ink portion in Exhibit P-182 to P-184 is signed by the passing officer of the Bank. The passing officer gives effect to the transfer according to the rules of the Bank. He scrutinises them if they are regular. He authorise the transfer. One hundred of the Bank shares 35 stood in the name of Mr. Muninanjappa and Narayana Reddy Accused 1. Afterwards these 100 shares were registered in the sole name of Accused 1. Exhibit D19 is a letter written by our Bank to Mr. Muninanjappa reporting the transfer of accounts as desired by them. This is signed by the Bank Agent. We informed Accused 1 of this also as per letter of ours Exhibit D-20.

40 *Re-examination.*—I do not remember if the transfer of shares was also intimated to them. In 1935 or 1936 the value of Bank shares was 7 or 8 rupees.

Read over and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
45 18-7-1940.

Deposition of—Mr. J. L. D'Silva, P. W. 76.

Father's name—S. L. D'Silva.
Age—47 years.
Caste—Indian Christian.
50 Occupation—Advocate.
Residence—Bangalore Contonment.

Duly Sworn.
18-7-1940.

I am practising in the City and Civil and Military Station as an Advocate since 20 years. I was appearing for the plaintiffs Mr. and Mrs. Fernandes in Original Suit Number 22 of 1934 on the file of the District Judge, Civil and Military 55 Station, Bangalore. Accused 1 and Muninanjappa were the defendants in that

suit. Accused 5 and Mr. Xavier appeared for defendants in that suit. After Muninanjappa's death I filed an application on behalf of my client treating Accused 1 alone as the legal representative of Muninanjappa. After this I filed another application to bring Accused 1 and his mother Lakshmamma on record as L. R.s of Muninanjappa on 11th March 1935. It was represented in court earlier than 11th March 1935 by Accused 1 or his counsel that Muninanjappa had left a Will appointing Accused 1 and Lakshmamma as executors of the Will. I do not remember it well. In the affidavit my client has stated that Accused 1 represented so. I drafted this affidavit from the information I gathered in court. I have never seen Lakshmamma appearing in court. By court she was brought on record as a defendant in that suit. Notice was taken to her before she was brought on record and she was served personally with the notice as can be seen from the Judge's notes. She did not raise any objection.

Cross-examination—By Mr. G.R.E.

Exhibit P. 187 is a certified copy of the 2nd affidavit filed by me in that court Exhibit D 21 is a copy of the order sheet in that case.

Cross-examination—By Mr. V.V.S.I.

Under the rules of practice in Civil and Military Station, it is not incumbent on the court to serve copies of the application and affidavit on the persons to whom notices are sent in such cases. I do not know the practice as it is mostly the clerks that deal with such matters. I do not know if copies are served on persons who are not represented in court. Beyond what I see from the Judge's notes I cannot say in what way Lakshmamma was served. Parties who are not served with copies of applications and affidavits apply to Lawyer's office concerned for such copies. I cannot say if this was done in this particular case. The Judge's notes show that Lakshmamma consented to be the L. R. of the deceased Muninanjappa after service of notice. Exhibit D 22 is the order of the Judge noting this consent. The words 'consents, implead' in Exhibit D 22 are in the writing of Mr. Medappa, the District Judge and initialled by him. I must have been present when that order was passed. I cannot state it definitely. I cannot now recollect how this consent was communicated to the court. That suit was against Accused 1 and his father as joint contractors. I knew Accused 1 before that time some years ago he bought my car.

Accused 1 was doing contract business with his father during the life time of the latter. I know this from 1933. A decree was passed in that suit for possession of the property for costs against the defendants. Execution proceedings were taken out for costs. Lakshmamma was one of the judgment-debtors under the decree. I do not remember if notice of execution was taken to Lakshmamma in that case. In execution we attached a property situated in Richmond Town in the first instance. Then when this was put up for sale Accused 1 paid us 1,000 rupees or so and got the sale stayed. Proceedings were stayed and then after wards I recovered the balance by attaching the rent due from his houses in the Tasker Town. Exhibit D 23 is the decree passed in that case.

Further examination reserved for the records summoned have not come from Civil and Military Station.

Read over and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
18-7-1940.

After the evidence was read witness corrects and states that Lakshmamma did not file any objections and not that she did not raise any objections.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
18-7-1940.

Deposition of T. D. M. Fernandez, P.W. 77.

Father's name—P. V. Fernandez.
Age—53 years.
Caste—Christian.
5 Occupation—Retired Government Servant.
Residence—Bangalore Cantonment.

Duly Sworn.
18-7-1940.

I and my wife had filed a suit Original Suit 22 of 1934, against Accused 1
10 Narayana Reddy and his father Muninanjappa for recovering possession of my property which had been wrongfully taken by them. After the suit was field Muninanjappa died. Exhibit P 190 is the affidavit I field in the Court swearing to its contents before Mr. D'Silva. The latter was my counsel also. Later on I filed another affidavit Exhibit P 191 in that Court.

15 *Cross-examination by Mr. G. R. E.*—

I had given a contract to Accused 1 and his father for building a house They contended that they would not give possession of the house until they were paid some money. I entered into contract both with Accused 1 and his father. Muninanjappa was not attending to this contract work. Accused 1 used to attend
20 to to this work.

Cross-examination by Mr. V. V. S. I.

All the proceedings in the Court were attended to by my lawyer.

Re-examination.—Nil.

Read over and admitted correct.

25 (Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
18-7-1940.

Deposition of F. M. Xavier, P. W. 78.

Father's name—F. X. Rajendra.
30 Age—45 years.
Caste—Indian Christian.
Occupation—Advocate.
Residence—Bangalore.

Duly Sworn.
35 18-7-1940.

I am an Advocate practising in the Civil and Military Station since 20 years. I appeared with Accused 5 for Accused 1 and Muninanjappa who were defendants in O. S. 22 of 1934, on the file of the District Judge, Civil and Military Station. Accused 5 conducted the case actually. I have not seen one Lakshmamma in con-
40 nection with this case.

Cross-examination. by Mr. V. V. S. I.

I have too many cases and I cannot remember the details of this case.

Re-examination.—Nil.

Read over and admitted correct.

45 (Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
18-7-1940.

Deposition of Lakshmamma, P. W. 79.

Father's name—Muniappa.
50 Age—52 years.
Caste—Reddy.
Occupation—Household affairs.
Residence—Gandhi Nagar, Bangalore City.

Duly Sworn.
55 19-7-40.

The late Muninanjappa was my husband. A1 Narayana Reddy is my eldest son. I have 6 sons and 3 daughters. My husband died 5 years back. He died of

some urinary disease. He was ill for four months before his death. For 15 days before his death he had no conciousness. If we talk one thing he would answer incoherently. Sankar Rao, a Doctor, was giving him medicine till 15 days prior to his (Muninanjappa's) death. After Sankar Rao ceased to give medicine no one gave him medicine but Shankar Rao was seeing him daily till his death. My husband left properties worth 5 or 6 lakhs of rupees. My husband did not make any Will before his death. He did not express any desire that a Will should be made. He told no one of his intention to make a Will. He had kept 85,000 rupees in the Bangalore Bank in the name of myself and of my children. As he grew seriously ill he withdrew this money and gave Rs. 85,000 to me saying that this was mine and I may do what I liked with it. I had kept it in the iron safe. As I had to constantly attend on him I was afraid to keep this sum at home and so I asked my husband to get this deposited in some Bank. He told me to deposit it in my name. I told him I was also ill and that the amount might be deposited in the name of my children. Then he told me that he would send for the Bank Manager and that I may deposit in the name of the children when I liked. The Bank Manager came to my house one or two months before my husband's death. I then deposited the money in the name of my children. As A1 had been given Rs. 8,000 for his contract work already no money was deposited in his name. My son-in-law Gurumurthy deposited the money in the Bank, and brought the fixed deposit receipts and gave them to my hands. I am not literate. There was also some money in Bangalore Bank in the name of my husband and of my son Kodanda Rama Reddy. There were 30 shares in the Bangalore Bank in the name of A1 and 100 shares in the name of my husband and about 50 shares in the joint names of myself and of my husband in the said Bank. We had also Treasury Bonds of the face value of Rs. 30,000. These bonds had been kept in my iron safe. My husband was doing money lending business also. He had lent out one lakh of rupees. I knew A5 and Bereke Venkatasami. At the time of my husband's death A5 and P. Krishniah owed us Rs. 2,000 and Bereke Venkatasami owed us Rs. 3,750. My husband did not transfer the shares of the Bangalore Bank and the money standing in his name in that Bank to the name A1 before his death. All of us were in the Cambridge Road Bungalow when my husband died. That bungalow had been purchased from one Shamanna Gowda. After my husband's death I continued to stay in that bungalow for 3 or 4 months. Then we shifted to our house in Jogupalya. All my children except A1 and his 2 wives came with me to the old house. A5 and Venkatasami were frequently coming to meet A1 in the Cambridge Road bungalow. I told A1 not to allow these two people to the house. A1 had also taken away all the documents to his custody. My husband was saying something about A5 and Venkatasami and I though these two would deceive my son A1. A5 and Venkatasami began to come more frequently and I felt afraid and shifted to the old house. All the documents were in my iron safe and A1 had taken them out saying that some of them were getting time-barred. Seven or eight days before my husband's death A1 came and asked me for the Treasury Bonds to draw interest. I gave him the key of the iron safe. After my husband's death I asked A1 to return the bonds. A1 said that they were still with the Government. On a certain day when A5, Venkatasamappa and A1 were talking A5 got me the bonds from A1. I demanded the return of other documents. They said that A1 might remain in possession of them and that he was not demanding them. A1 again demanded the fixed deposit receipts issued by the Mysore Bank and the Treasury Bonds as he had to collect interest. I told him that I would not hand them over to him and that I would follow him and receive the interest. Two or 3 days after this I deposited the fixed deposit receipts and the bonds in the Mysore Bank. I had gone to Mr. Sooryaprakash's office and got notices issued to A1 and A5 as they were saying that there was a Will and that the Will was with A5 and that my husband had not made any Will and that if there was such a Will a copy of it should be sent to me. We got no reply to my notice. No copy of the Will was sent to me or to Mr. Sooryaprakash. One or 1½ months after my husband's death A1 spoke to me of a Will for the first time. Till then neither A1 nor A5 nor Venkatasami had told me anything about the Will. A1 told me of the Will when I demanded the return of the documents. He asked me who I was to demand the documents. I advised him not to allow A5 and Venkatasami to come to our house. He said 'what if they come'. A1 told me that the Will was with A5. I then went in search of A5.

When I met him I asked him what that Will was about and that I should see that Will. He said that his wife had gone to Chickmagalur With his keys and that I should see him again 7 or 8 days later. I went to him again at Malleswaram. I met him then and questioned him when this Will came into existence and how such a Will could come into existence without my knowledge and that how all of them joined and brought this Will into existence. I told him also that on the strength of this alleged Will A1 was behaving atrociously and that he was young in age. A5 then said that he did not know that it would come to this and that he would act in whatever way I wanted. I told A5 that that a fraud had been practiced and that I used to be with my husband all the 24 hours and that I have all young children. A5 then said that he had read the Will aloud, and that he had taken my thumb impression to it. I was shocked at this and told him to read the Will and that the story may remain aside. He told me that the Will was in a sealed cover and that it could not be taken out and read. He had then a paper or cover in his hand. I told him that he was defrauding me as he was not reading the Will. A5 then told me that the Will was with him and that he would turn it in whatever way I wanted and asked me what my intentions were. He turned his hand with the paper in his hand. I told A5 that my intention was that the properties should be divided, that A1 should take away his share and that the rest of the properties of the minors should be entrusted to Government as my other children were minors and I was myself sickly. Then A5 asked me whether A1 would be given two shares. I said I would not do so and that I would give him only 4,000 to 5,000 rupees worth of property. A5 then questioned me whether I would appoint him (A5) as receiver of the minor's properties. I said I would consider and came away. The Will was never read out to me at any time. Thare was a panchayati in the house of Mr. Sooryaprakash with regard to this Will. No decision was arrived at there as the Will and the list of properties were not produced by A1 and A5. I produced the Bank receipts as desired by Mr. Sooryaprakash. The panchayati was fixed at 10 A.M. in the morning. A1 and A5 failed to produce the Will and the list. Mr. Sooryaprakash then told me that I might go to the Bank that afternoon and withdraw the money. I and my husband were the guardians of my minor children in whose name the money had been deposited. I went to the Mysore Bank to draw the money. The Bank refused to pay me on the ground that they had received a prohibitory order. I went and informed this to Mr. Sooryaprakash who sent a communication to the Bank on my behalf. I received notices from the District Court, Bangalore City. I showed this to Mr. Sooryaprakash. He said that he could not appear in the City court and sent me with Mr. Ahobalanath and a file of papers to the deceased Mr. M. K. Murthi. Mr. M. K. Murthi was my lawyer since then till his death. There were a guardianship case, a probate case and the case relating to Sharadamma's and my deposits between me and A1. I had filed a case against A5 and another case against A1. On 1st March 1940 I had a case before the Additional District Judge. I and Mr. M. K. Murthi and another lawyer came to the court together. We returned home at 2-30 P.M. I did not see Mr. M. K. Murthi again. A5 was A1's lawyer formerly. After I came to Ghandinagar two years ago A5 had seen me in my house. Eight months before M. K. Murthi's death A5 had come to me. Then he told me to admit the Will and that he would do whatever I liked and that as the matter was in court, no compromise could take place. I said I would not agree to what he said and that the matter may be decided in court. I informed this incident to Mr. M. K. Murthy. The latter has issued notices on behalf of myself and Sharadamma to the Mysore Bank with regard to Fixed Deposits. I had to borrow moneys for the sake of the litigation. All the family properties remained in the possession of A1. We paid his fees after we received the Fixed Deposit amounts. We were borrowing money from him occasionally. At the instance of A5 who said that the mother and son should compromise and that he would bring A1, the panchayati took place in Mr. Sooryaprakash's house. I had received a notice from either Venkatasami or A1 and I took this notice to Mr. Sooryaprakash. He asked me for the bonds mentioned in the notice. I then took the bonds from the Bank and showed them to Mr. Sooryaprakash. I had not got these bonds read from the time A1 gave them to me till I handed them over to Mr. Sooryaprakash. Till Mr. Sooryaprakash told me of the endorsement on the Treasury bonds stating these had been transferred to the Trustees for a charity even during the life time of my husband and in accordance with the terms of the

Will I did not know of the transfer. No transfer of these bonds took place before Mr. Gundappa when my husband was alive.

Cross-examination by Mr. G. R. Ethirajalu Naidu.—I am contesting that the money in the name of minors should go to them and that the money in my name should go to me. I have not taken any steps in regard to the moneys and shares transferred to the name of A1 by the Bangalore Bank. A1 was doing house building contract work of Fernandes and others. Fernandes may have drawn cheques in favour of Muninanjappa for contract work done. After A1 was arrested in this case we have taken possession of the properties and documents of the family as the District Judge, Civil and Military Station has appointed me and Kodandarama Reddy, as Receivers in the Probate case.

Cross-examination by Mr. G. C. Reddy.—I know A4 Maddura. We had leased some lands in Murigesapalya to him even when my husband was alive. I do not know if A4 is cultivating our lands after my husband's death. When I went to take possession of the properties as Receiver I learnt A4 was in possession of a portion of the land. After disputes arose I learnt that Avalaga's sons were cultivating our lands in Murigespalya. Even before they were cultivating them. A4 is known to me as Avalappa's son.

Cross-examination by Mr. V. V. Sreenivasa Iyengar.—A1 was the first to tell me about the existence of a Will. I cannot say on what date and at what hour he told me of this. He told me of the Will 1½ or two months after my husband's death. Till then there were no misunderstandings between me and A1. A1 told me then that his father had left a Will and that the Will was with A5 and that who I was to ask him about anything and that I would get anything if he gave anything to me. At that time I was managing the family properties and A1 interfered with my management. I objected to his interference and asked him why he was opposing me. Even before this A1 was not helping me in the management of the properties. Whatever I told him to do he would do. I was alone managing the properties. I do not remember even one transaction I effected during that period as it was five years ago. I did not ascertain what right I would have in my husband's properties if he had died intestate. I did not know that I had only a right of maintenance in my husband's properties. I did not consult any lawyer, about it. I do not know if I would have acquired a right to manage my husband's properties if he had appointed me as an executor under the Will. I came to know only in court that I and A1 had been appointed executors under my husband's Will. I came to know of this two years ago. It is not true that I and A1 were managing the properties as we had been appointed executors under the Will. I do not remember if any one else was present when A1 told me of the Will for the first time. Till to-day no one has read the Will for me. Till to-day I do not know the contents of the Will. I do not know if I am given powers under the Will or if I am appointed an executor under the Will. I had no curiosity to know even the contents of the Will. I am objecting to the Will without knowing its contents as Mr. M. K. Murthi told me of it. Mr. M. K. Murthi told me that I had a claim for Rs. 2,000 and not for 8,000 rupees. I do not know if A5 was a lawyer for my husband. I do not know if A5 was appearing on behalf of my husband in any case. During my husband's life time A5 was handling one of A1's cases. I do not know if my husband had some proceedings before the Income Tax authorities and if A5 was appearing for him. One Rangachar, I hear, was my husband's lawyer but I do not know this personally. I do not know if one Mr. Fernandes, P. W. 77, had filed a suit against my husband and A1. If there was case Mr. Xavier, P. W. 78, appeared for my husband. I had never seen Mr. Xavier in connection with that case. I had not received any notice in that case after my husband's death. I had not been made a party in that case. I did not consent to be a party to that case. I do not know what happened to the case of Mr. Fernandes. My husband had a house in Richmond Town. I do not know if this house had been attached and brought to sale in execution of the decree obtained by Mr. Fernandes. I do not know what was the final decision of the court on the claim of Mr. Fernandes. I do not remember having received any notice in execution in that case. If any notice is received I take it to my lawyer. I do not get it translated by any one. One Gopalappa was indebted to my husband. My husband asked A1 to get a notice issued to him. I do not know if A5 issued the notice then to Gopalappa. Nine months after my husband's death A1 gave

me a notice. Mr. Sooryaprakash was my lawyer then. I took the notice to him to read and explain it to me. Mr. Ahobalanath read and explained the notice to me. Mr. Sooryaprakash told me that that notice stated that a copy of the Will had been sent to me. He told me that he had not received a copy of the Will. I too had not received a copy of the Will. I did not tell my lawyer to write to A1 that I had not received a copy of the Will. I told my lawyer to write to A1 that the copy of Will had not been sent. My lawyer told me that he had written to A5 about this. He read out to me the letter written by him to A5 about the copy of the Will. I cannot give the date or other particulars of that letter. I asked my lawyer whether any reply had been received. He said that no reply had been received.

Mr. Sooryaprakash tried to bring out a compromise between us if possible. A5 wanted the compromise to be brought about. To my knowledge A5 never tried to bring out a settlement between me and A5. A5 wanted me and my son to fight with each other. I do not know any one by name Ramachandra Rao who was examined yesterday and day before in this court. I have never seen him in my house at any time. I did not see him in my house 3 days before my husband's death. It is a lie if he says that he was in my house that day the whole of that afternoon. I did not see if A5 was in our house 3 days before my husband's death. I remember I have said that I remained with my husband all the 24 hours of the day and night. I used to go out for meals and calls of nature occasionally. I cannot say what may have happened during my absence for food and for answering calls of nature. I know Balakrishna Mudaliar. He was living in one of the out houses of our bungalow. Rarely he used to visit my husband. He was visiting A1 also. He was staying in the house rent free. He was not my husband's friend. I do not know Hosakote Nanjundappa. I have heard his name. I know Hosakote Nanjundappa is the younger brother of Hosakote Siddappa. I have heard it so. H. Siddappa had lent me money after disputes arose between me and my son. Gurumurthi, my son-in-law, is also my foster son. I have as much affection towards him as I have over other children of mine. He was all along living with me. Since 5 or 6 months he is living separately from me.

Stopped as it is lunch time.

Read over, interpreted and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
19-7-1940.

Recalled, sworn and further cross-examined—19th July 1940.

After my husband's death Gurumurthy was accompanying me to lawyer's office. It is my intention to give a share in my husband's properties to Gurumurthi also as he is my foster son. I and my husband had talked over this matter. I did not ask A1 or any one else whether a share could be given to Gurumurthi. I do not know Ayurvedic doctor Narasimhiah. I have never seen him. I am aware of the Suit, Original Suit No. 11 of 1937-38 filed by A1 against me and Sharadamma. I know this Narasimhiah was examined as a witness on behalf of A1 in that suit. Mr. M. Krishna Murthi cross-examined that witness. I did not instruct Mr. M. Krishna Murthi to question that witness whether there was not misunderstanding between me and that witness in connection with the administration of medicine to my husband. As I know Narasimhiah never came to my house, Bereke Venkatasami is living behind our house in the Cambridge Road. I am not aware if my husband and Bereke Venkatasami have purchased any properties jointly. I knew my husband has purchased a land in Akki Thimmanahalli. I do not know in whose name or names he has purchased that land. I know maistry Pilliah, the father of Gurumurthi. He was not in my house when my husband was sick but he was visiting us occasionally. I know that my husband could not sign his name on account of the swelling of the hands for many days before his death. He was putting his thumb mark for documents wherever he had to put his signature. He put his thumb mark to a Bank document. I cannot identify his thumb mark. Neither can I recognise mine. I have stated in the lower court that A5 told me in Mr. Sooryapraksh's house that I had no power of disposal over

8,000 Rupees out of Rs. 10,000 deposited in my name. A5 told me nothing else about the Will then. I do not know if Mr. Sooryaprakash said anything when A5 said so. I was refusing to produce the fixed deposit receipts till Mr. Sooryaprakash asked me to produce them. I was not told that I had to deposit with Mr. Sooryaprakash the moneys kept in the Bank. I was not anxious to withdraw the money from the Bank. I wanted to withdraw my money. This was when the panchayati was going on in Mr. Sooryaprakash's house. I was not afraid then that A1 would withdraw the money depending upon the terms of the Will. I remember A1 was examined as a witness in Original Suit 11 of 1937-38. Mr. M. Krishna Murthi cross-examined him. By that time Mr. M. Krishna Murthi had informed me that A1 had drawn 17,000 Rupees from the Bangalore Bank. I did not instruct Mr. M. Krishna Murthi to question A1 whether he had not spent Rs. 17,000 for fabricating the Will. A1 has two wives. I did not object to his marrying a second wife. There is no ill-will between me and A1's wives. He has children by both wives. A1 never worked with my husband in contract work. I do not know if A1 was a defendant in the suit filed by Mr. Fernandes. My husband was a pious man. He was formerly taking keen interest in Reddy Sangha Association. I did not take any steps to get the transfer canceled with regard to 30,000 Rupees Treasury Bonds.

Re-examination.—Mr. Sooryaprakash advised me that the trustees themselves may come forward with regard to bonds. The contract work used to be in the name of my husband but A1 used to do the work. I was managing the family affairs even when my husband was alive. I continued to do so after his death. By A1's case I mean Mr. Fernandes case. A1 had given the out-house rent free to Balakrishna Mudaliar. Gurumurthi used to follow me to the lawyer's office some times As I knew that A1, A5 and Venkataswami were cheats I refused at first to hand over the receipts to Mr. Sooryaprakash. To get the Will established I, A5 proposed terms of compromise.

Read over, interpreted and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
19-7-40.

Deposition of Mr. G. Muddappa. P. W. 80.
Father's name—Gangappa.
Age—37 years.
Caste—Lingayet.
Occupation—Advocate.
Residence—Tumkur.

Duly Sworn.
Dated 19th July 1940.

I am an advocate. I was working with the late Mr. M. Krishna Murthi from 927 for 2 years. I was in touch with him even afterwards. I used to go to his ffice whenever I came to Bangalore. I saw M. Krishna Murthi last on 1st March 940. I know Accused 5. There were bitter feelings between him and Accused 5.

Cross-examination by Mr. V. V. Sreenivasa Iyengar.—I have stated in the lower ourt that from the trend of discussions I learnt the deceased was not favourably isposed towards Accused 5. I did not state in the lower court that there were itter feelings between the two. I was not asked in the lower court by any body bout the feelings between the two. On 1st March 1940 the deceased Ir. M. Krishna Murthi was arguing a case against Accused 5 under the L. P. Act on behalf of Laxmamma before the Additional District Judge. I had no onversation with Accused 5 that day. I have not spoken to accused 5 that day. have spoken to Accused 5 casually on other matters not connected with the eelings between Accused 5 and the deceased. I did not gather anything from Accused 5 to show what feelings he had towards Mr. M. Krishna Murthi. When cases were argued by Accused 5 and Mr. M. Krishna Murthi I could notice the animosity between the two. I am not able to say whether two lawyers fighting

severely in a case have private feelings of animosity. From this fighting in court alone I cannot infer any bitterness. I cannot mention any other act of accused 5 to infer this feeling. When I said in the lower court that the deceased was not well disposed towards Accused 5 I was confining my observation about Mr. M. Krishna Murthi's feeling. I cannot definitely say in what cases Accused 5 and the deceased argued on opposite sides. This was in 1937 or 1938. The expression 'bitter feeling' was my own. No one suggested it to me.

Re-examination—Nil.

Read over and admitted correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
19-7-40.

Deposition of Lt.-Col. J. B. Hance, I. M. S. P. W. 81.

Father's name—The late Edward M. Hance, Bar.-at-law.
Age—53 years.
Caste—British.
Occupation—Officer, H. M.'s Indian Medical Service, Residency Surgeon in Mysore.
Residence—Bangalore Cantonment.

Duly Sworn.
Dated 22nd July 1940.

I have been the Residency Surgeon since 1933. I am the seniormost Surgeon in the official service in the Civil and Military Station. My private practice consists mostly of a consultative one. I have no recollection of one Muninanjappa. Exhibit P. 163 and Exhibit P. 189 are the prescriptions given by me to one Muninanjappa. I prescribed the first one on 7th October 1934. That medicine has been repeated on 10th, 14th and 20th October 1934. I was not consulted about the repetition of the mixture prescribed by me in this case. This mixture is one which could be repeated if one found it beneficial. I know nothing about the patient to whom I prescribed this medicine. This is a prescription which is generally used for diseases of the gall bladder and bile ducts. I cannot recollect giving this prescription for any other condition. My fees are generally Rupees 16 per each call and when I am called at inconvenient time I may claim more.

Cross-examination—Nil.

By court.—Dropsy is unusual in symptoms of this kind.

Re-examination—Nil.

Read over, interpreted and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
22-7-40.

Deposition of Mr. P. O. Koshy. P. W. 82

Father's name—P. K. Womman.
Age—37 years.
Caste—Christian.
Occupation—Banker.
Residence—35 B., Infantry Road, Civil and Military Station, Bangalore.

Duly sworn,
22 July 1940.

I am the local representative in the Civil and Military Station of the Travancore National and Quilon Bank which is now under liquidation. I am working in that capacity since 1936. Even after this Bank went into liquidation I am in charge of this Bank. The proceedings connected with the liquidation are going on in the

Civil and Military Station Court. I have maintained accounts of payments made in connection with the liquidation. Exhibit P. 192, is the account book in which I note these payments. This is kept regularly and correctly. In connection with the liquidation proceedings a committee of inspection had been appointed. Mr. C. V. Narasimhaiengar was one of the members of the committee. On 2nd March 1940, the learned District Judge authorised me to incur an expenditure up to sum of Rs. 500 in connection with the liquidation proceedings. This sum of Rs. 500 has been debited in Exhibit P. 192 as per Exhibit P. 192 (a) as having been paid to Mr. C. V. Narsimha Iyengar. Mr. S. D. Ganesha Rao, was the counsel for the liquidation in these proceedings in Civil and Military Station. Mr. Gill and Mr. Goodwin of Messrs. Fraser and Ross were the liquidators. Exhibit P. 193 and Exhibit P. 194 are the two receipts given by Mr. C. V. Narsimha Iyengar for having received Rs. 500 (Rs. 400 once and Rs. 100 once.) There was no cash balance with me on the 2nd March and 3rd March 1940. There have been transactions on the 2nd March as can be seen in Exhibit P. 192. 3rd March 1940 was a Sunday subsequent to these proceedings. Mr. Goodwin wrote a letter Exhibit P. 195. Exhibit P. 196 is a carbon copy of the letter written by me Mr. Goodwin. This is referred to in Exhibit P. 195. Exhibit P. 197 is a carbon copy written by me to Mr. Goodwin. Exhibit P. 198 is a statement of accounts prepared by me and signed by Mr. C. V. N. Iyengar. I prepared it at the instance of the latter on 9th March 1940 for being filed in the Civil and Military Station Court. The payment of Rs. 400 and Rs. 100 are referred to in Exhibit P. 198. Mr. C. V. N. Iyengar furnished the details and these details are supplied by our book. Exhibit P. 199 is another statement I have prepared at the instance of Mr. C. V. N. Iyengar. It only shows receipts. I have attended every meeting of the Committee of inspection. Mr. C. V. N. was attending almost every meeting. The inspection committee were not told anything about the accounts mentioned in the account book. They were appraised of Exhibit P. 198 alone. The payments of Rs. 400 and Rs. 100 referred as second and third entry in Exhibit P. 196, do not find a place on these dates in Exhibit P. 192. Exhibit P. 198 is a statement submitted by Mr. C. V. N. Iyengar. My clerk entered the dates in Exhibit P. 199. There are corrections in dates in the entries Exhibit P. 199(a) and P. 119 (6). On 8th March 1940 Rs. 500 were received by me by cheque from the liquidation at Madras and I have credited it in the account book and paid it to Mr. C. V. N. Iyengar. The cheque had been drawn in the name of Mr. C. V. N. Iyengar by the Liquidators. On 2nd March 1940 I paid Rs. 100 to Mr. C. V. N. Iyengar at 3 P.M. and on 3rd March 1940 at 10-30 P.M. night. The District Judge passed an order on 2nd March 1940 at 1 P.M. sanctioning Rs. 500. On 2nd March 1940 I had Rs. 1,000 of my own. On Saturday Mr. C. V. N. Iyengar wanted Rs. 100 only and so I paid him Rs. 100 then. I have not kept any accounts of my personal money.

Cross-examination.—At Chittoor there was an appeal before Mr. Newsam, the Additional Judge of the Honourable Resident's Court, Bangalore. That appeal was in connection with the Bank's affairs in liquidation. It was intended to be an attempt to secure the assets in all other jurisdictions for the benefit of the Bangalore creditors. Mr. C. V. N. Iyengar had been authorised by the Committee to engage a counsel for that appeal and do the needful. As I had not Rs. 500 of the Bank on the 2nd and 3rd March 1940 I paid my own money to Mr. C. V. N. Iyengar and recouped it after I got money from Madras, Exhibit P. 193 and P. 194 were not given on the dates mentioned therein but a few days after, I know Mr. T. R. Venkatarama Sastry was engaged for arguing that appeal. Mr. Venkataranga Iyengar Accused 5 went to Madras to engage him. I was told so by Mr. C. V. N. Iyengar. The appeal was for 5th March 1940. On 5th March 1940 I know Mr. C. V. N. Iyengar had gone to Chittoor to assist Mr. T. R. V. Sastri in the appeal. On the night of 3rd March 1940 I also handed over the connected papers to Mr. C. V. N. Iyengar. If I had written for money on Saturday the 2nd March I would have received it from Madras on Tuesday 5th March 1940. There would not have been time to go and engage Mr. T. R. V. Sastri. Accused 5 and Mr. C. V. N. Iyengar's son were both present when Mr. C. V. N. Iyengar took Rs. 400 on the night of 3rd March 1940. It was then Mr. C. V. N. Iyengar told me that he was sending Accused 5 to Madras. Mr. C. V. N. Iyengar endorsed the cheque for Rs. 500 in blank and I recouped my advance.

Re-examination.—On 2nd March 1940, Mr. C. V. N. Iyengar did not ask me for the papers.

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
22-7-40.

Deposition of Mr. G. K. Raghavendra Rao. P. W. 83.
Father's name—G. Krishnasamy Rao.
Age—32 years.
Caste—Brahmin.
Occupation—Advocate.
Residence—Bangalore City.

Duly Sworn.
22nd July 1940.

I have been a member of the Bangalore Bar from 1933. I was working as a junior of Mr. M. Krishna Murthi from 1933 till his death in 1940. I am aware of the cases conducted by Mr. M. Krishna Murthi on behalf of Lakshamma against Accused 1. Mr. S K. Venkata Iyengar Accused 5 was appearing for Narayan Reddy Accused 1 in the beginning. After Accused 5 ceased to appear for Accused 1 Mr. M. P. Somasekhara Rao, appeared on behalf of Accused 1 in some cases and Mr. H. S. Narasiah in other cases. Since 1935 cases are going on between accused 1 and Lakshamma in the courts. I was in touch with all the proceedings in courts. I know Accused 5, I know the state of feelings that existed between Accused 5 and the late Mr. M. Krishna Murti. They were bitter with each other. Both of them were not liking each other. I am aware of the proceedings under the L. P. Act against Accused 5. Exhibit P. 149 has been drafted by the late Mr. M. Krishna Murti. Preliminary arguments were heard on 1st March 1940 and Mr. M. Krishna Murti addressed these arguments. I read the portion Exhibit P 150(a) in Exhibit P. 150. Exhibit P. 150 is signed and verified by accused 5 Exhibit P. 151 is a reply drafted by the late Mr. M. Krishna Murti. Lakshmamma has put her thumb mark Exhibit P. 151. Mr. M. Krishna Murti had prepared notes. I saw Mr. M. Krishna Murti last alive on 2nd March 1940 in his office at 7-35 P.M. At that time he changed his court dress and put on dhoti coat and vest coat and left his office in Cottonpet. MO.'s 15 and 16 are the coat and vest coat then worn by him. He started to go to his house which was situated in the North Road, Basavangudi. He went walking. He was taking a particular route to go to his house noted in Exhibit P. 2. Usually near the National High School he used to cross the maidan, and then go to his house. On 3rd March 1940 I came to know that he had not reached his house the night previous to that. I also started enquiries and I could not find any clue. On 4th March 1940 I complained to the Kengeri Gate Police Station at 7-30 or 8 A.M. on my way to the office saying that Mr. M. Krishna Murti was missing since the night of 2nd March 1940. On 4th March 1940 the Probate case filed by Accused 1 against Lakshmamma in the Civil and Military Station District Judge's Court was for hearing. On that day Accused 5 had to be examined as a witness in that case. Mr. M. Krishna Murti had to cross-examine Accused 5 that day in that Court. So he was ready to do that. I requested Mr. Ahobalanath on 4th March 1940 to get an adjournment in that case. On that day Accused 5 did not attend the Civil and Military Station District Judge's Court. Mr. M. Krishna Murthi was also ready to go on with another case in the District Court in the City. I got an adjournment on that case. On 5th March 1940 I identified the dead body of Mr. M. Krishna Murti in the Ghat Road. I remember Mis. 67 of 1935-36. I am not aware why Mr. Balakrishna Mudaliar was not fully cross-examined in that case. There was a key MO. 22 found on the body of Mr. M. Krishna Murti when I identified it. That was the key of his office. I had a duplicate key which is MO. 33.

Cross-examination by Mr. G. R. E.—I left office on 2nd March 1940 at 9 P.M. That is the usual hour on which Mr. M. Krishna Murthy's Office was closed. Mr. M. Krishna Murti used to stay till 7-30 P.M. On some days I used to lock the Office at 7-30 P.M. and go with Mr. M. Krishna Murti.

Cross-examination by Mr. V. V. S. I.—It was somewhere in March 1937 that Accused 5 ceased to appear in courts. He then made a statement in Mis. 67 of 1935-36 that he was retiring from the case as he was custodian of the Will and as he may have to give evidence in the case. It was thereafter in all the cases in the City courts Mr. M. P. Somasekhara Rao appeared for Accused 1, for all his cases and Mr. Narasiah appeared for Accused 1 in the Civil and Military Station courts. Since March 1937 Accused 5 did not appear for any of the cases of Accused 1 both in the City and Civil and Military Station courts. Subsequent to March 1937 I had no manner of conversation with Accused 5 regarding the estate of Muninanjappa or with regard to any of Accused 1's cases. I did not state anything about the bitter feelings between Accused 5 and the deceased Mr. M. Krishna Murti in the lower court as I was not asked about it. I inferred the bitter feelings not only from the conversation I have had with Mr. M. Krishna Murti but also from the observation I made in behaviour of Accused 5. In one or two cases I saw Accused 5's attitude in cross-examining Mr. M. Krishna Murti. I have nothing else to show the feelings between the two. It cannot be inferred that because counsel cross-examined a witness severely there should be ill-feeling between the two. The cross-examination of Accused 5 on that occasion was not overruled by court. I am not able to give my opinion whether the cross-examination of Mr. M. Krishna Murti by Accused 5 was within or beyond the professional decorum. I have not seen any other case in which Accused 5 cross-examined Mr. M. Krishna Murti. The L. P. Act case was heard *ex-parte* on 1st Mach 1940 before notice was issued to the opponent. Mr. M. Krishna Murti had not cited Accused 5 as witness for 4th March 1940 in the Civil and Military Station court. Accused 1, Narayana Reddy had cited Accused 5 as his witness that day. I do not now it personally. This is what Mr. M. Krishna Murti told me. I did not see any summons being issued to Accused 5 to appear on 4th March 1940 to give evidence in the Civil and Military Station court. I cannot say whether any summons had been taken to Accused 5 that day by Accused 1. I remember I deposed in the lower court that Mr. M. Krishna Murti did not want the cross-examination of Mr. Balakrishna Mudaliar to be continued in Mis. No. 67 of 1935-36. Exhibit P. 143 is the list of documents signed by me, enclosing documents Exhibit P. 143 (1) to P. 143 (17). Exhibit P. 200 is the complaint petition. I gave to the Police on 4th March 1940.

(Mr. P. P. wishes to tender in evidence some notes said to have been prepared by the late Mr. M. Krishna Murti in connection with the cases between accused 1 and Lakshmamma. In view of my ruling given on 5th July 1940 and in view of Section 32, clauses 1 and 2 of the Evidence Act I cannot admit them in evidence).

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
22-7-40.

Deposition of Mr. D. Shama Rao. P. W. 84.
Father's name—D. Subba Rao.
Age—55 years.
Caste—Brahmin.
Occupation—Advocate.
Residence—Balepet, Bangalore City.

Duly Sworn,
22nd July 1940.

I have been a member of the Bangalore Bar for over 25 years. Accused 5, Mr. B. T. Ramaswami and Mr. C. V. Narasimha Iyengar were having an office in Chikpet. I knew the late Mr. M. K. Murthi. I know Accused 5. I know both of them well. I am aware of the litigation going on regarding the Will of Muninanjappa in the various Courts in Bangalore. The state of feelings between Accused 5 and the late Mr. M. K. Murthi were very bad and they were hating each other. As far as I know from the year 1936 this feeling continued till 2nd March 1940.

Cross-examination.—I am not a relation of Mr. M. K. Murthi. I have not understood their bitter feeling by inference. I know their feeling towards each other from what I have observed and from what I have heard from both. Each of them, *viz.*, Accused 5 and Mr. M. K. Murthi were bitterly complaining to me against each other. Both of them were my friends. They complained to me regarding the profession conduct in regard to the cases arising out of the Will of Muninanjappa. I think I have made a suggestion to this effect in the lower court and as the question was not specifically put to me as it is done now. I did not state it clearly. I have read in 'the Hindu' the order passed by this court regarding certain statements alleged to have been made by Mr. M. K. Murthi. It is false that I am not on talking terms with Accused 5. On the morning of 10th March 1940 Accused 5 had come to my office in connection with a professional matter.

Re-examination.—I was not in the least influenced in giving this evidence by the order of this court referred to above.

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
22-7-1940.

Deposition of Govindaraja Mudaliar. P. W. 85.
Father's name—Arunachala Mudaliar.
Age—49 years.
Caste—Mudaliar.
Occupation—Clerk, Bangalore Permanent Fund.
Residence—Bangalore.

I was formerly the Deputy Accountant in the Bangalore Bank into liquidation. I had put in 20 years service in that Bank. In the price of the Bangalore Bank share was six or seven rupees. I to the transfer of shares in the Bank. The agent used to order the transfer of shares whenever there was an application for transfer and we used to enter the transfer in the books. I see Exhibit P. 167. Exhibit P. 167(a) is the signature of Mr. Sivaraman. The latter is not in Bangalore now. I do not remember having seen any instance in which a man transfers his own shares to his own name in a different capacity similar to that found in Exhibit P. 167. I knew the deceased Muninanjappa. He died in about 1935. I have not seen Exhibit P. 167 at all. From Exhibit P. 185(6) I say the transfer referred to in Exhibit P. 167 has been effected on 7th October 1937. Exhibit P. 166 does not bear any order of any officer of the Bank. The red ink entries in Exhibit P. 182 to P. 184 are made by Dorakanna Naidu and Srinivasa Murthi. Exhibit P. 167 does not contain any order of the office.

Cross-examination by Mr. G. R. E.—On 21st June 1938 the Bank stopped payment. From two or three months before that the Bank had very little business. After Muninanjappa's death if any one had authority to get his shares transferred the person having such authority can have the shares transferred. Mr. Sivaramakrishnan was the Deputy Accountant of the Bank. Without any stamps for transfer we do not affect any transfer.

Cross-examination by Mr. V. V. S. I.—It is the agent that has the authority to transfer. I cannot say whether the agent acted under Exhibit P. 166.

Re-examination. –The Bank's Director has got a right to refuse to register a transfer.

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
22-7-1940.

With permission.—In Exhibit P. 185(b) the name of Muninanjappa has been struck off and Accused 1's name is left as it is. This is done by the said Siva Ramakrishnan. Exhibit P. 201 is the memorandum of Association of the Bank when it was working.

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
22-7-1940.

Deposition of Mr. K. Mohamed Ahmed. P. W. 86.
Father's name—Mr. K. Mohamed Hussain.
Age—35 years.
Caste—Muslim.
Occupation—District Superintendent of Police, Bangalore District.
Residence—Bangalore City.

Duly Sworn,
23rd July 1940.

I am the Superintendent of Police, Bangalore District, for the last four years. The body of the late Mr. Krishnamurthi was found in my jurisdiction. On 5th March 1940 I accompanied the Bangalore City 'A' Division Inspector Mr. Narasimhia to a village called Puttanahalli. Accused 1 had come with us along with others. We went to a casuarina tope within the limits of that village. Accused 1 Narayana Reddy took us to that tope and pointed out the place where the body of Mr. Krishnamurthi had been deposited. We found there an old kerchief of Accused 1, Narayana Reddy. I compared the dhoby marks found in the kerchief with the dhoby marks on the clothes worn by Accused 1 that day. These two marks tallied.

Cross-exami . *G. R. E.*—Ponnambalam was also with us then. I do not know if any statement of Accused 1 was recorded before leaving Bangalore to that spot.

Cross-examination by Mr. V. V. S. I.—I have not visited Ponnambalam in the Byramangala Jail.

Re-examination.—Nil

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
23-7-1940.

Deposition of Fraser Leopoed Peradon.
Father's name—Leopoed George Peradon.
Age—44 years.
Caste—Christian.
Occupation—Manager, The Mysore Bank Limited, Bangalore City.
Residence—Bangalore City.

Duly Sworn,
23rd July 1940.

I am the Manager of the Bank of Mysore since 10th November 1937. The Bank has a legal adviser. A5, Mr. S. K. Venkata Ranga Iyengar was our legal adviser from 1st July 1937 till he was arrested. Soon after A. 5 was arrested I offerred to stand surety to him for his enlargement on bail. I did so in my personal capacity. I see Exhibit P76. I cannot say I have received that letter myself. There is nothing to show that the Bank had received this letter. There are no marks to indicate that the Bank had received this letter Exhibit P. 76. Normally we keep a register for noting the letters received in the Bank. On 2nd January 1940 A5 was our legal adviser. There is a reference in that letter to certain fixed deposits. This refers to two fixed deposit receipts bearing numbers 43/454 and 43/457. These are Exhibit P. 22 and Exhibit P. 25. I cannot say whether these receipts were actually in the bank but actually they should have been in the bank. To my knowledge there was no occasion to refer these two fixed deposit receipts to

our legal adviser. It is possible that the department concerned may have done it. There would be a record of any enquiry made in the Bank if there was such an enquiry. Exhibit P. 76 is signed by A. 5. The tenor of the letter shows that the bank must have asked for some opinion from A5 in regard to these fixed deposits. Mr. V. V. Srinivasa Iyengar, P. W. 27 deals with these fixed deposits. Whenever fixed depositors who are illiterate desire to withdraw their deposits their thumb impressions are compared with the thumb marks of theirs already found in the Bank. There is no finger print expert in our institution. Mr. M. Krishnamurthi had current account in our Bank. He was allowed an overdraft from 27th February 1924 to a limit of Rs. 1,000. There was no time limit specified for this. There is nothing to show that his accounts had been called up at any time. On 10th November 1938, Mr. M. Krishnamurthi was informed that the time limit for the overdraft was fixed at till 31st December 1939. On 2nd December 1938 Mr. M. Krishnamurthi requested the Bank to extend the time limit for liquidating the overdraft. That letter has been registered in our office. From 18th December 1939 we had been receiving letters from Sardamma, Laxmamma and Mr. M. Krishnamurthi. These are Exhibits P. 59 to P. 68. Exhibit P. 59(a) and P. 60(a) are the copies of the High Court order referring to in these letters. Exhibit P. 71 and P. 72 have also been received by the Bank. I cannot offer any opinion as to whether we took legal opinion in the matter of these letters as I was not dealing with these matters. It is not necessary that any question of a sum amounting to over 20,000 Rupees should be referred to me always. Sometime the papers relating to fixed deposits pass through me but not always. Mr. C. V. Narasimha Iyengar is a Director of the Bank so far as I know from the time I assumed charge of the Bank. Exhibits P. 202/1 to 202/24 are the fixed deposit cards containing thumb impressions of illiterate depositors. On seeing these cards I find that four printing presses have printed each some of these cards. There may not be references in the Bank to show when orders were given to these presses for printing these cards. If I have any I shall produce them during the course of the day if possible. In Exhibit P. 202/7 the period of deposit is not noted as the clerk may not have been aware for what period the deposit was intended.

Question.—In every one of these cards there is an attestor. Does the Bank know the identity of such attestor? I could not answer this question without making enquiries.

Cross-examination by V. V. S. I.—As a friend for whom I had personal regard I offered myself as surety for A5. It is possible I might have seen Exhibit P76 and I might not remember. I have frequently had occasion to send my clerks to consult personally and get the opinion of A5 on certain matters. Even when a clerk is sent, there would be a letter to the legal adviser. Sometimes the most strict instructions are disregarded by clerks. I cannot say if any clerk was sent to A5 to get his opinion in connection with the Fixed Deposit receipts referred to in Exhibit P76. I cannot say who that clerk was. All letters addressed to the Manager, Bank of Mysore, dealt with sometimes by the staff and sometimes by me. This depends upon the rules and practice of the Bank. There is an assistant Manager in the Bank. He has co-ordinate powers with the Manager. The Assistant Manager, whenever he considers any matter important, sends such matters to me for disposal. Otherwise he will dispose of all such matters himself. There are cases where letters received in the Bank are not registered in the Bank. It is a senior clerk of the Bank that registers letters. He has to read the contents of a letter before he could decide whether it has to be registered or not. If there are confidential letters, they would not be given for purposes of registration. There are certain letters received by the Bank from that legal adviser which are treated as confidential. It is possible that the clerk who opened Exhibit P76 might have treated it as confidential and might not have registered it. I do not know if any question regarding Muninanjappa's estate has arisen at all. I recollect A5 mentioning to me that he could not give opinion with regard to a certain case on the ground that he was interested in it but I do not recollect what that case is. A5 asked me to take other advice in that matter. It is possible that this might refer to the case referred to in Exhibit P76. Initially the arrangement for giving the overdraft is in the hands of the Manager. In case of large advances the Manager seeks the advice of the Directors of the Board. By large overdraft I mean Rs. 20,000

or over and the termination of these facilities are similarly in the hands of the Manager. The overdraft is a debt due to the Bank. The grounds on which overdraft facilities are terminated are various. This depends upon the security furnished. Mr. M. K. Murthi had furnished Mysore State bonds of the value of Rs. 500 and a Life Insurance Policy of the face value of Rs. 1,000. The overdraft termination notice was issued in December 1938. Mr. M. K. Murthi himself wanted the time to be extended till the end of December 1939 'as usual'. We did not call up the overdraft account. In answer to his request we intimated that by the end of December he should pay up the overdraft amount. An additional overdraft was allowed to Mr. M. K. Murthi in June 1939. By the end of December 1939, the overdraft allowed to him was Rs. 3,000. The additional accommodation of Rs. 2,000 had been allowed until 31st January 1940. On 9th February 1940 the Bank indicated its willingness to consider the question of continuing the overdraft provided further security was given by Mr. M. K. Murthi. On 16th February 1940, Mr. M. K. Murthi indicated that he would not probably require further accommodation. Exhibit D24 is the letter of Mr. M. K. Murthi showing this. The Bank also wrote to Mr. M. K. Murthi stating that they were agreeable to continue the overdraft for Rs. 2,000 until the end of June. Exhibit D25 is a typed copy of the letter of the Bank to that effect. Even by the end of February the Bank had extended the time for overdraft even though he had not furnished additional security. The legal adviser of the Bank has nothing whatever to do with the grant of overdraft facilities. The Bank had large claims over the Kaiser-i-Hind Mills in liquidation and had claimed priority over the assets as secured creditors. I am not personally concerned with the thumb impressions taken on specimen signature cards. I have no personal knowledge of the transactions connected with Exhibit 202(1) to 202(24). There is no general rule that legal advice should be taken in particular matters. It is left to the discretion of the Bank and of the Assistant Manager. I am not aware of the case referred to in Exhibit P71 and P72. For the safety of the Bank, the Bank wanted the orders of the District Judge to make payment of Fixed Deposits. I have no knowledge whether legal advice was sought for in that case. I have been sending responsible persons to assist our legal adviser in conducting the case of Kaiser-i-Hind Mills. I cannot say whom I sent on 2nd March 1940 to the court to assist him.

Re-examination.—I know the practice of the Bank and I cannot say in what month or year it was in which A5 said that he would not offer opinion in a case and asked us to obtain independent advice. I cannot say if I did so. It may not have been necessary. On 2nd December 1939, Mr. M. K. Murthi offered to give fresh security whenever required. I should think that the letter Exhibit P76 should be treated possibly as confidential. No register is maintained for such letters.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
23-7-40.

Cross-examination with permission.—The letters received in the Bank are gone through by the Assistant Manager assisted by a clerk. Ratnavelu Mudaliar, the senior clerk, opens the letters and passes them on to the Assistant Manager.

Cross-examination.—The letters are slit open by the clerk and passed on to the Assistant Manager.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
23-7-40.

By Assessor, Mr. Paulchinnappa.—If a letter is marked confidential on the envelop, it will be opened by me. There is no specific mark or seal to indicate that a particular letter has been treated as confidential.

Read over and admitted to be correct.

5 (Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
23-7-40.

Recalled, sworn and further examined.—The amount mentioned in Exhibit P202(7) was first deposited on 6th August 1934 to the best of my memory. The
10 date of the deposit mentioned therein is the date of deposit. I did not look into the ledger but I got this information from my office. I did not think it necessary to look into the ledger myself.

I am not able to give any information as to when the type of cards Exhibit P26 was printed by the Bank.

15 *Cross-examination.*—Exhibit P26 appears to bear the signature of Mr. T. M. S. Subramaniam, the Accountant. He is now the Assistant Manager of the Bank.

Re-examination.—Nil.

Read over and admitted to be correct.

20 (Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
24-7-40.

Deposition of Mr. S. Venkatapathiah. P. W. 88.

Father's name—Mr. S. Venkata Rao.
25 Age—54 years.
Caste—Brahmin.
Occupation—Advocate.
Residence—Gandhinagar, Bangalore City.

Duly Sworn,
30 Dated 23rd July 1940.

I am practising as a member of the Bar since 20 years. I appeared for A5 who was the opponent in Mis. No. 191—38-39, on the file of the District Judge, Bangalore. I know both Mr. M. K. Murthi and A5. I know their signatures. Exhibit P149(a) is the signature of Mr. M. K. Murthi. Exhibit P150(b) is the signature of
35 A5 Exhibit P151 is countersigned by Mr. M. K. Murthi. I got drafted Exhibit P150 under instructions and in the presence of A5. A copy of Exhibit P149 served on A5 and some other papers were before me when Exhibit P150 was drafted.

Question.—Are you aware of the state of feelings of A5 towards the late Mr. Krishna Murthi?

40 *Answer.*—No, except communications between me and my then client A5 in drafting Exhibit P150. (Witness claims privilege under Section 126 of the Evidence Act to answer what A5 communicated and states that he wants the express consent of A5 to answer further. The Public Prosecutor states that the witness cannot claim privilege as the communication between A5 and this witness was made
45 in furtherance of an illegal purpose. Communications made for opposing an application under the L. P. Act cannot be considered as made for furtherance of illegal purposes. Witness is entitled to claim privilege.) The feelings of the late Mr. M. K. Murthi towards A5 was anything but cordial.

Cross-examination by Mr. V. V. S. I.—Exhibit D26 is a preliminary order
50 passed by the District Judge in the abovesaid miscellaneous case. Exhibit D27 is the final order passed in that case.

Re-examination.—I was not in the case when the order Exhibit D27 was passed.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge, 5
23-7-40.

Deposition of Mr. D. V. Gundappa. P. W. 89.
Father's name—Mr. D. Venkataramaniah.
Age—52 years.
Caste—Brahmin. 10
Occupation—Journalist, Basavangudi.
Residence—Bangalore City.

Duly Sworn,
Dated 23rd July 1940.

I am a good friend of Mr. T. R. Venkata Rama Sastri of the Madras Bar. 15 Exhibit P. 203 is a letter which I have received from Mr. T. R. Venkata Rama Sastri. I identify his signature in that letter. I was with Mr. T. R. Venkata Rama Sastri at the Modern Hindu Hotel, Bangalore, on 27th February 1940. In the evening of that day A5 and Mr. C. V. Narasimhiengar came to see Mr. T. R. V. Sastri when he was talking to me in the Modern Hindu Hotel. A5 and Mr. C. V. N. 20 Iyengar and Mr. T. R. V. Sastri then talked about a certain case in the District Judge's Court, Civil and Military Station, about the Bangalore creditors of the Travancore National and Quilon Bank. Mr. T. R. V. Sastri was saying that the case he lost that day before Mr. Medappa could be appealed against in Mr. Newsam's Court at Chittoor. A5 and Mr. C. V. N. Iyengar wanted to know the convenience 25 of Mr. T. R. V. Sastri for going to Chittoor and presenting an appeal. Mr. Sastri said that any day was convenient to him provided that that day was acceptable to Mr. Newsam. Mr. T. R. V. Sastri requested Mr. C. V. N. Iyengar to write to Mr. Newsam to ascertain his convenience and suggested the form of the letter.

Cross-examination by Mr. V. V. S. I.—Mr. C. V. N. referred to in Exhibit 30 P. 203 is Mr. C. V. Narasimiengar. I know subsequently that Mr. T. R. V. Sastri and Mr. C. V. N. met at Chittoor on 5th March 1940. I understood from the conversation of these three on 27th February 1940 that an appeal had thereafter to be filed. No specific date was fixed then for their meeting at Chittoor. The fees to be paid to Mr. T. R. V. Sastri in the appeal was not fixed that day. 35

Re-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
23-7-40. 40

Deposition of Mr. C. V. Narasimha Iyengar. P. W. No. 90.
Father's name—C. Narasimha Iyengar.
Age—69 years.
Caste—Brahmin.
Occupation—Advocate. 45
Residence—Bangalore City.

Duly Sworn,
Dated 23rd July 1940.

I have been a member of the Mysore State Bar for over 45 years. I am a rector of the Bank of Mysore from February 1931. A5 is my wife's sister's son. 50 A5 and Mr. B. T. Ramaswami have common chambers. A5 joined my office in 23. From about 1933 or 1934 onwards A5 had has own independent professional siness in my chambers. He continued to do so for 2 years and changed his ambers to another place. Exhibit P 80 is signed by A5. Exhibit P 91 is also

signed by A5. Exhibit P 204 is a statement signed by Mr. B. T. Ramaswami and filed in the High Court. The vakalat Exhibit P. 205 contains the signature of Mr. B. T. Ramaswami. The latter is my son-in-law. I appeared in the Civil and Military Station District Court as a representative of the body of the creditors of the Travancore National and Quilon Bank. In that Court liquidation proceedings in connection with that bank were going on. Mr. S. D. Ganesha Rao was representing the liquidators of that Bank. In connection with those proceedings a committee of inspection was appointed by the Court. I am a member of the Civil and Military Station Bar. In connection with those proceedings, I filed the statement of accounts, Exhibit P 198. That is a true and correct statement of accounts so far as it goes. In Exhibit P 198 the dates given for expenditure do not represent the actual dates on which money passed out of my hands. In the Lower Court also I have said that Exhibit P 198 represented a true and correct statement. The dates of expenditure shown therein are not the actual dates on which the expenditure was incurred. Exhibit P 198 was submitted by me to the District Judge, Civil and Military Station, on 9th April 1940. By memory and by the help of Mr. Koshy P. W. 82, I prepared Exhibit P 198. I do not keep account of moneys received except those received in my profession. I have kept regular accounts only of fees received. I have prepared the statement Exhibit P 199 with the help of my memory and assisted by Mr. Koshy. The dates in Exhibit P 199 (*a*) and P 199 (*b*) were (While recording the deposition, the witness adds the words must have been) altered in the Travancore National and Quilon Bank. I prepared Exhibit P 199 without the dates. Then I asked Mr. Koshy to give the dates against each entry. I have not dated the entries noted in Exhibit P 198. I have signed it. Mr. Koshy has not signed it. Mr. Koshy put those dates in Exhibit P 198 against each entry in my office by looking at Exhibit P 199. Exhibit P 193 and P 194 were given by me to Mr. Koshy. The expenses were incurred by me and not by Mr. Koshy. The dates in Exhibit P 198 (*a*) and P 198 (*b*) are correct. The receipts Exhibit P 193 and P 194 are dated correctly. They tally with the dates in Exhibit P 198 (*a*) and P 198 (*b*). Exhibit P 206 are the proceedings of the Committee of Inspection, dated 12th July 1939. A5 was neither a party nor an advocate for any party in the Civil and Military Station court in connection with the Travancore National and Quilon Bank case. There was a decision given by the District Judge which was against us. To prefer an appeal against this decision, I engaged the services of Mr. T. R. Venkata Rama Sastri. I preferred the appeal and he argued that appeal as my counsel. Exhibit P 207 is the receipt given by Mr. T. R. V. Sastri for the part fees paid to him. This is dated 25th March 1940. Exhibit P 208 is a letter which I have received from Mr. T. R. V. Sastri. That is dated 12th March 1940. So also Exhibit P 209, dated 3rd March 1940. Exhibit P 210 and P 211 are the two telegrams sent to me by Mr. T. R. V. Sastri. The case at Chittoor had to come off on 5th March 1940. By that time I had presented the appeal in person to Mr. Newsam. These two telegrams Exhibit P 210 and P 211 were both wired on a Sunday. The amount involved in the case was about 22 lakhs due to the creditors of the Civil and Military Station. I did not go to Madras myself as desired in Exhibit P 210 but sent A5 to Madras. I did not know that Mr. T. M. S. Subramaniam P. W. 22 was examined on any particular day in the Lower Court. I do not know if the Lower Court sent for Mr. T. M. S. Subramaniam and examined him on 2nd May 1940. I did go to the Bank of Mysore after 4-30 P.M. On 2nd May 1940 I saw Mr. T. M. S. Subramaniam, the Assistant Manager. He asked me how I had came away from the court and I replied that the examination of the Finger Print Expert was over and that his evidence was being read. I was not present when the Finger Print expert was examined. I went to the Court when his evidence was being read. I was not representing A5 in the Lower Court as a counsel but I was instructing the counsel of A5. On the next date the Magistrate called for an explanation and I did offer one. I was designated as junior counsel for A5 in the Lower Court. I was acting for A5 in instructing the counsel. I applied for a copy of the charge-sheet before Mr. Srikantiah, the Special First Magistrate, as an advocate of A5. I have no objection for being called a counsel for A5 in the Lower Court. I have interviewed A5 several times in the Jail before the commencement of the Sessions trial.

Exhibit P 198 was approved by the Committee of Inspection on my placing it before them. The expenditure debited on 6th February 1940 as per Exhibit

P 198 (*c*) was not incurred on that day. I cannot give the dates of expenditure.

Cross-examination.—Reserved for want of time.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO, 5
Second Additional Sessions Judge,
23-7-40.

Witness recalled and cross-examined.—

Duly Affirmed,
24th July 1940. 10

On 4th March 1940 I appeared before the High Court on behalf of certain Legal Practitioner. I accepted this engagement on 4th March 1940 in the sense that I accepted the vakalat. I was the appellant in the Chittoor case. I was the appellant in R. A. No. 46 and 71—37-38 on the file of the High Court. Mr. M. K. Murthi appeared for the respondent. 15

Cross-examination by Mr. V. V. S. I.—I succeeded in those two appeals. I had no bad personal feelings against the deceased, Mr. M. K. Murthi. I attached importance only to the manner of spending the money entrusted to me rather than the dates of spending. Each item of receipt was for some particular purpose. I gave the same date of receipt for expenditure also to show for what purpose the item was 20 spent. On the night of 3rd March 1940 I got Rs. 400 actually from Mr. Koshy. There is a resolution in Exhibit P 206 that if the court did not sanction the payment, Mr. P. C. Koshy may raise this sum by contribution from the creditors. In pursuance of this resolution Mr. Koshy paid the money and recouped himself afterwards. I thought A5's going to Madras was more advantageous in the matter 25 of settling the fees due to Mr. T. R. V. Sastri. A5 left for Madras on 4th March 1940 and returned to Bangalore the next morning. A5 paid the fees of Rs. 400 to Mr. T. R. V. Sastri at Madras on 4th March 1940. A5 had some cases in the local courts. I attended to his case in the Additional Munsiff's Court, Civil and Military Station, during his absence. A5 had already engaged Mr. T. R. V. Sastri 30 in two other cases and so I thought he was the proper person to settle the fees with Mr. T. R. V. Sastri. My case at Chittoor was disposed of against me on 5th March 1940. On the morning of 3rd March 1940 at about 7 or 7-30 A.M. I saw A5 in my house. He was in my house then for about an hour.

Re-examination.—I knew the date on which A5 went to Madras when I 35 presented Exhibit P 198 to the Court on 9th April 1940. By 9th April 1940 the charge-sheet in this case had been placed. I see Exhibit P 198 (6). I still say that A5 paid the fees to Mr. T. R. V. Sastri.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO, 40
Second Additional Sessions Judge,
24-7-40.

Deposition of Kodanda Rama Reddy. P. W. 91.
Father's name—K. Muninanjappa.
Age—20 years. 45
Caste—Reddy.
Occupation—Student.
Residence—Gandhinagar, Bangalore City.

Duly Sworn,
Dated 24th July 1940. 50

Accused 1 is my elder brother. I am now a student. I was 14 or 15 years of age when my father died. For 15 days before his death, my father had lost consciousness. Doctor Shankar Rao was treating my father. He is also dead now. I have obtained a receipt from Doctor Shankar Rao for paying his fees for treating my

father. Exhibit P. 212 is this receipt. I can identify my father's writing. Exhibit P. 213, an account, is in my father's writing. Exhibit P. 214 is in the writing of my elder brother, Accused 1. Exhibit P. 215, an account, is in the writing of my brother-in-law Gurumurthi. Exhibit P. 216 is an account book maintained by me. Since three months prior to my father's death, I am keeping the accounts of my family. When my father was seriously ill and one day prior to his death I had taken Doctor Subba Rao to examine him. Col. Hance visited my father 4 or 5 times when my father was sick. Doctor Shankar Rao was our doctor for a long period of time. My mother is managing the family affairs. I do not remember anyone by name Balakrishna Mudaliar. I had seen him. Till my father's death I and my brothers and parents lived jointly at 22, Cambridge Road. We continued to stay there for 5 or 6 months after my father's death. After that we came away to our old house at Ulsoor, leaving Accused 1 and his family at 22, Cambridge Road. The reason for this separation was that because Accused 1 began saying that my father left a Will and that to our knowledge he had not done so. To my knowledge my father had not executed any Will. My father was taking to building contracts and was also lending money. There were respectable people all round our house. Till Accused 1 told us of the Will we were not aware of the existence of any Will. I knew the late Mr. M. K. Murthi. He was our lawyer. We have paid him fees. We had borrowed money from him on several occasions. Exhibit P. 217 is an account book in the writing of my father.

Cross-examination by *Mr. G. R. E.*

There is no attempt to divide our family properties so far as I know. After Accused 1 was arrested, I and my mother filed an application to the District Judge, Civil and Military Station, and got ourselves appointed as Receivers. After Accused 1 was arrested we took possession of accounts and papers found in Accused 1's residence. We have taken possession of account books maintained by Accused 1 and his cheque books and counterfoils. I and my driver went and brought these papers.

Cross-examination by *Mr. V. V. S. I.*

About a year ago Gurumurthi and Sharadamma began living separately from us. Since we began living separately from Accused 1, my mother and Accused 1 are on inimical terms. I and Accused 1 also are on inimical terms since then. I was born on 17th November 1920. I was in the IV Form Class in 1935. The X'mas holidays extend up to 2nd January and sometimes till 8th or 10th January. I cannot say on what date the school re-opened after X'mas in 1935. For 15 days prior to my father's death I did not attend the school. I have not seen Balakrishna Mudaliar at my residence at any time. I do not remember if I have stated in the lower court that Balakrishna Mudaliar was living as a free tenant in my father's house. I have stated so in the lower court. I cannot say if what I have stated in this court that I did not know Balakrishna Mudaliar is true or if what was stated in the lower court is true. I cannot recollect if he was living in my house even after my attention was drawn to what has been stated in the lower court. There was no occasion for any one to tell me that I should say that I do not know Balakrishna Mudaliar. I have seen Pandit Narasimhiah who calls himself Ayurvedic Doctor. To my knowledge he was not treating my father. Accused 5 was coming to my father's house during the last days of my father. Accused 5 had come to our house during the period of 8 or 10 days prior to my father's death to see Accused 1. He might have come 4, 5 or 6 times during the period of the above-said 8 or 10 days. I do not know personally on what business he was coming. I had not seen Accused 5 in my house before that period. I cannot say if Accused 5 was my father's lawyer in income-tax matters. I used to be at home for 15 days prior to my father's death. On 7th January 1935 I had gone out only to fetch Doctor Subba Rao with Accused 1. I would be by the bed side of my father for sometime and for sometime elsewhere in the bungalow during that period of 15 days. Nothing was written in our bungalow during the period of 15 days. I do not know P. W. 72 Ramachandra Rao. I never saw him even in my house. I never saw him write there anything. Pandit Narasimhiah had never come to my house. My father's hands and body had swollen. He could not sign his name. I do not know if in places where he had to sign his name he was putting thumb marks after he became ill. I have never seen him putting his thumb impressions.

I know Hoskote Nanjundappa. I was seeing him in the Mutt. I had not seen him in our bungalow before my father's death.

I cannot recognise the thumb impressions of my mother. I can recognise the writing of my brother-in-law Gurumurthi. The latter's father Maistri Pilliah is now dead. I had never seen Pilliah in my house at any time as there were quarrels between him and my mother 10 or 15 years back. The signature Exhibit P 8-a in Exhibit P 8 resembles the signature of my brother-in-law, Gurumurthi. I am not certain if it is his. Similar in Exhibit P 9 to P 16 the signature of one Gurumurthi resembles the signature of my brother-in-law Gurumurthi. I cannot say if Exhibit P 82 (a) is his signature also. I cannot say if the signature Exhibit P 157 (g) is that of my brother-in-law.

At the time of my father's death, Gurumurthi and Sharadamma were living with us. I have seen Gurumurthi's writing. I can recognise it. Exhibit P 82 resembles his writing. The endorsements in Exhibit P 96 series do not resemble Gurumurthi's. From the general characteristics of the writing in the endorsements, I say they are not his. I do not remember having any document in the writing of Gurumurthi.

I know B. Venkatasamappa. I cannot recognise his writing. He was never coming to our bungalow. I had no occasion to discuss with any medical gentleman about losing consciousness. I myself knew that my father lost consciousness. He was talking at random. His eyes were fixed right up above. His eye lids were never closed during these 15 days. There was a sound ಗೊರ ಗೊರ in the chest. From this I concluded that he was unconscious. I cannot say that he was sleeping at night. For 8 or 10 days before his death, he ceased talking even at random. He was talking in a moderately low voice. I did not try to talk to him. I did not put any question to him.

When Dr. Shankar came, my father told him once incoherently " sheep is cut, partake of it ". I cannot give the exact date on which this took place. No other doctor was attending on my father at that time. No doctor at all was attending on my father at that time. Doctor Subba Rao came only once to see my father at about 10 A.M.

Re-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
24-7-1940.

Deposition of Mr. A. A. Khan. P. W. 92.
Father's name—Mr. Davood Khan (late).
Age—51 years.
Caste—Muslim.
Occupation—Government Service.
Residence—Bangalore City.

Duly Sowrn,
Dated 24th July 1940.

I am the Deputy Commissioner and District Magistrate, Bangalore District. I tendered a pardon to P. W. 33, Ponnambalam, under Section 337 of the Criminal Procedure. I recorded his statement also.

Cross-examination by Mr. V. V. S. I.—

P. W. 33 was brought to me under Police custody. I cannot say which Police officers placed him before me. I cannot say definitely whether P. W. 33 had already known what a pardon meant but he seemed to follow me very well.

Re-examination.—I complied with the provisions of law in tendering the pardon.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
24-7-1940.

Deposition of B. A. Ghani. P. W.

Father's name—S. Ibrahim.
Age—35 years.
Caste—Muslim.
5 Occupation—Bench Clerk.
Residence—Second Additional Sessions Court, Bangalore.

Duly sworn,
24-7-40.

I was the Head Clerk of the Magistrate's Court in which the enquiry connected
10 with this case was going on. I was working as Bench Clerk there. Mr. H. S. Raja Iyengar and Mr. C. V. Narasimhaiengar were appearing for Accused 5 in the lower court. On two occasions Mr. C. V. Narasimha Iyengar represented that he was the Counsel for Accused 5 and addressed the Court when there was a discussion about it. In the order sheet Exhibit P 218 the apearance of Mr. Narasimhiengar
15 for Accused 5 has been noted. This can be seen on 24th April 1940 and on other dates. I was in court on 2nd May 1940 when the Magistrate sent for Mr. T. M. S. Subramaniam. On 2nd May 1940, the Magistrate has made a note as per Exhibit P 219 in the deposition of P. W. 47 in that Court, *i.e.*, Mr. Subramaniam's deposition. Mr. Subramaniam was examined with reference to thumb marks found
20 in Exhibit P 26. I knew Mr. C. V. Narasimha Iyengar left the Court after Mr. T. M. S. Subramaniam was sent for.

Cross-examination by Mr. V. S. S. I.—I do not remember the exact time when the Magistrate directed that Mr. T. M. S. Subramaniam should be sent for. During the examination of the Thumb Impression Expert that order was made.
25 Mr. C. V. Narasimha Iyengar was present then. It is false to say that Mr. C. V. Narasimha Iyengar came to the lower court that day when the deposition of the Finger-print Expert was being read. I remember this fact but I have no record to show this. Mr. C. V. N. Iyengar was seated then by the side of the Bench Clerk. I do not remember to have heard Mr. H. S. Iyengar making any statement
30 about Mr. C. V. N. Iyengar's absence when the Magistrate sent for Mr. T. M. S. Subramaniam.

Re-examination—Nil.

Read over andadmitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
35 *Second Additional Sessions Judge,*
24-7-40.

Deposition of Mr. Ramanna. P. W. 94.

Father's name—A. Srinivasachar.
Age—39 years.
40 Caste—Brahmin.
Occupation—Expert, Finger Prints, Police C. I. D. Office.
Residence—Bangalore City.

Duly Sworn,
24-7-40.

45 I am a Finger Print Expert for the last six years. I underwent training for one year in this subject before I became an expert. I am in charge of Bangalore Finger Print Bureau since September 1937. I was examined in the lower court on 2nd May 1940. I have studied the finger prints found in Exhibit P 157 and in Exhibit P 26 in the lower court. I study them again here. All the thumb marks
50 in Exhibit P 157 purport to be from the same finger.

I have compared the finger prints in Exhibit P 26 (a) purporting to be that of Muninanjappa with those found in Exhibit P 157. I am of opinion that the impressions found in Exhibit P 26 (a) are not identical with the nine thumb impressions of Muninanjappa in Exhibit P 157. Thumb mark of Laxmamma
55 found in Exhibit P 157 (h) is identical with those found in Exhibit P 26 (b) and purporting to be that of Laxmamma. The impressions of any two fingers can never be identical. This is the basis of the finger print science.

The finger prints found in Exhibit P 157 as that of Muninanjappa and those found in Exhibit P 26 (a) belong to the class of whirls. In page 2, Exhibit P 157, the finger print is put with the end of the finger pointing towards the middle of the page. Similarly in page 4. In No. 3 in page 5 the tip points inwards. No. 4 the tip points in the opposite direction towards the right of the page. In page 8 of Exhibit P 157 the two tips of the impressions point in opposite directions. Laxmamma's impression in the same page points the tip towards the page.

Cross-examination by Mr. V. V. S. I.—I do not know whether the right thumb impression was taken originally when the science of finger print became known. I do not know from what date the left thumb impression began to be taken. In the Registration Department the left thumb impression, is taken wherever the thumb impression is necessary. The thumb marks found in Exhibit D28 as per Exhibit D28 (a) is identical with the nine finger prints said to be Muninanjappa's in Exhibit P 157. By looking at an impression I cannot say from which hand it is taken. The impressions of the left thumb of the same person will differ from his right thumb.

Re-examination.—The tips of the finger impression in Exhibit P26 is away from the edge of the card and towards the centre. Laxmamma's thumb impressions also in Exhibit P26 are also in the same direction.

Cross-examination with permission, by Mr. V. V. S. I.—I see a number of white lines in Laxmamma's impressions in Exhibit P26. They run parallel. These lines run further away from the tip. This is a peculiar feature of this finger.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
24-7-40.

Deposition of Nanjundiah. P. W. 95.
Father's name—Aswatha Bhatta.
Age—53.
Caste—Brahmin.
Occupation—Advocate Clerk under Accused 5.
Residence—Bangalore City.

Duly Sworn,
24-7-40.

I am a clerk under Accused 5. I and another work as clerks of Accused 5. I am aware of Accused 5's signature. Exhibit P102 contains my master's (Accused 5) signature on 4th March 1940. Accused 5 had six cases. One of them had been posted for evidence for that day. Accused 5 had a case that day before the City Magistrate. I cannot say whether it was for evidence that day. My co-clerk has noted the other cases of Accused 5 that were for hearing on 4th March 1940.

Cross-examination by Mr. V. V. S. I.—The other clerk, I referred to, is the clerk deputed by the Mysore Bank and paid by the Bank. He is meant only for Bank cases and he notes only Bank cases. On 2nd March 1940, I was in court with my master till about 3 or 3-30 P.M. Accused 5 came to his chambers that day at 10 or 10-15 A.M. He came to the court between 11-15 and 11-30 A.M. and was engaged in the Additional District Judge's Court in the City. He passed through the Principal District Court while going to the Additional District Judge's Court. By the time he came to the latter court, his case had been taken up and arguments started. I went and brought him from down stairs. I cannot say how long Accused 5 stayed in the Additional District Judge's Court. At 2 or 2-30 P.M. I saw Accused 5 engaged in the First Additional Subordinate Judge's Court. He had cases in the City Magistrate's and Cantonment Courts that day. Accused 5 had an appeal before the District Registrar that day. On 4th March 1940, Accused 5 was not in Bangalore. I heard from his Junior Mr. Vedanta Iyengar that Accused 5 had gone to Madras. On 4th March 1940, Accused 5 had a case of Panthangi Krishniah in the C. & M. Station Additional Munsiff's Court. Mr. C. V. Narasimha Iyengar attended to that case. Accused 5 returned on 5th March 1940.

I had seen the late Muninanjappa. Accused 5 was acting as his lawyer for five or six years. In 1934, Accused 5 represented him before the Income-Tax Officer in this City. I say this by reference to my master's diary of 1934. That case was for hearing on 22nd May 1934.

5 I have written Exhibit D17. I have delivered in person the Will copy referred to in Exhibit D17 and obtained the acknowledgment of Mr. Ahobalanath.

Re-examination.—The registration appeal was dismissed *ex-parte* on 2nd March 1940 on account of Accused 5's absence. I have not written any documents on behalf of my master. I had enclosed the copy of the Will in a cover to Mr. Aho-
10 balanath. I traced Exhibit D17 after Mr. Ahobalanath was examined. I am not aware of cases between Accused 5 and Mr. M. K. Murthi alleging that a copy of the Will had not been produced. I am not aware of any cases connected with the Will. Accused 5 was telling me to trace Exhibit D17 for the last one or one and a half years. I searched for it two or three times and afterwards I forgot it.
15 Mr. Ahobalanath may have been examined in the lower court.

I myself traced it latterly as I felt a surprise that Mr. Ahobalanath denied the receipt of the Will copy.

Further examination stayed for want of time.

Read over and admitted to be correct.

20 (Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
24-7-40.

Witness re-called and further examined.

Duly Sworn,
25 Dated 25th July 1940.

I work as a lawyer's clerk since 20 years. I know how to write Kannada well. I keep papers like Exhibit D(17) either in the file or in the drawers of the table. This was traced in the wire file. I am not aware if there was a case under the Legal Practitioners Act against Accused 5. I was not noting in the diary the dates
30 on which Accused 5 went as a witness to the C. & M. Station Court. Our office door is kept open between 8 and 11 A.M. and 7 P.M. to 10 or 11 P.M. At other times it is closed except when there is business. I am not aware of any summons served on my office. Accused 5 and his Junior Advocate, I and Bank Clerk work in Accused 5's Office. When Accused 5 and Mr. C. V. N. Iyengar were working
35 in one Office, I was their Joint Clerk. After they began working separately in the same chamber, I was a Clerk for both. I am registered as a lawyer's Gumastha in the Civil and Military Station.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
40 *Second Additional Sessions Judge,*
25-7-40.

Deposition of H. R. Nanjundiah. P. W. 96.
Father's name—Ramanna.
Age—42 years.
45 Caste—Brahmin.
Occupation—Bank Clerk of Accused 5.
Residence—Bangalore City.

Duly Sworn,
Dated 25th July 1940.

55 I am working as Bank's Court Clerk in Accused 5's Office. On 4th March 1940. Accused 5 had four cases of the Bank in various courts.

Cross-examination.—On that day Accused 5 did not attend to these cases as he had gone away to Madras. All these were first hearing cases and his junior

Mr. Vedantiengar attended to these cases. I was present in the Additional District Judge's Court on 2nd March 1940. There was a case of the Bank then. It started at 11-30 A.M. and went up to 2-30 P.M. All through Accused 5 was attending to this case in the Additional District Judge's Court.

Re-examination.—I remember well that he went to Madras on 4th March 1940. I say this by memory.

Read over and admitted to be correct.

(Sd). A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
25-7-40.

Deposition of Mr. M. P. Somasekhara Rao. P. W. 97.

Father's name—Mr. M. S. Puttanna.
Age—49 years.
Caste—Brahmin.
Occupation—Advocate.
Residence—Bangalore City.

Duly Sworn,
Dated 25th July 1940.

I have been a member of the Bangalore Bar for the last 25 years. I knew Accused 5 and the deceased Mr. M. Krishnamurthi. I cannot state what the state of feelings were between the two. I was not appearing in Execution 70 of 1939-40 on the file of the District Judge for Accused 1. I heard of the execution case for the first time on 2nd March 1940. On the night of 3rd March 1940 Accused 1 came to me and handed over Rs. 42 for being deposited in court in that execution case. I gave this money to my clerk on 4th March 1940 as I see from the memo. It is deposited in court on 6th March 1940. On 4th March 1940 while depositing the money I filed an application contesting the correctness of the amount claimed. Accused 1 told me that only Rs. 25 had been awarded as costs by the High Court. On the 2nd March 1940 at about 3-30 P.M. or 4 P.M. in the court premises Accused 1 told me that the warrant of attachment had been returned un-executed. I represented Accused 1 in O. S. 11/37-38. I filed that suit on behalf of Accused 1. Possibly, I may not have filed the fee certificate in this case. The suit was dismissed and my clerk did not take care to get my certificate. I appeared for Accused 1 in O. S. 10 of 39-40. I was one of the counsels engaged in this case. The case was mostly in the charge of Mr. H. S. Narasiah.

That case related to a claim of Rs. 1,68,000 and odd. Mis. 10—39-40 was dismissed for default of prosecution on 14th February 1940. From the order sheet of the case I find that this case was not ready even on 13th December 1939. I have appeared for Accused 1 on that day in that suit.

Cross-examination by Mr. V. V. S. I.—Accused 5 was Accused 1's counsel in the guardianship case Mis. 67—35-36 till March 1937. I was engaged in Mis. 67—35-36 as counsel for Accused 1 in the latter part of March 1937. Accused 5 retired from that case and so I was engaged in that case by Accused 1. O. S. 11—37-38 was filed by me. O. S. 10—39-40 was filed by Mr. Narasiah but I have signed the vakalath for Accused 1. After March 1937, so far as I am aware, Accused 5 did not appear for Accused 1 in any of his cases. I cannot say if there was any misunderstanding between Accused 1 and Accused 5. I have no personal knowledge of that. Accused 5 had been cited by Accused 1 to give evidence in O. S. 11—37-38. Accused 5 was ever ready and willing to appear as a witness. He appeared two times in court as a witness in that case. As some other witnesses were under examination Accused 5 went to other courts stating that he would come whenever required. He made the submission both to me and to the court. There was in order in Mis. 67—35-36 that the genuineness of the Will need not be considered in that case. This was done on an application made by Mr. M. Krishnamurthi. Accused 1 was anxious that the enquiry regarding the genuineness of the Will should proceed in that case. He was pressing for it. I cannot say what motive the decree-holder had in filing execution 70—39-40. Accused 1 told me that

he heard that the warrant had been returned unexecuted. I then told him to make enquiries. Accused 1 appeared to be upset somewhat and particularly grumbled when he saw that for a small sum attachment of his car had been asked for. After enquiry in the court, Accused 1 came and told me that the attachment warrant was for Rs. 40 and that the warrant had been returned. On the first occasion he came to me on 2nd March 1940 at about 1 or 1-30 P.M. He appeared upset, hearing that there was a warrant for attachment of his car. I then told him to go and make enquiries in the Court.

At about 3 P.M. Accused 1 came and asked me when I was in the Law Association whether I had seen Accused 5 and where he was. I told him I had seen him near the First Munsiff's Court entrance a few minutes prior to that. This was at about 3 P.M. After that Accused 1 went and returned saying that he was unable to find Accused 5. I do not think he told me anything about Accused 5 again.

Re-examination.—I cannot say if Accused 1 was or was not perturbed when he came and told me that the warrant had been returned unexecuted. In Exhibit P127 Mr. M. Krishnamurthi has stated that it was unnecessary to consider the genuineness of the Will in that case. This is th application I had in mind when I said that Mr. M. Krishnamurthi represented to the court that it was unnecessary to consider the Will.

Cross-examination by Mr. G. R. E.—I told Accused 1 to have the decree amount deposited by Monday 4th March 1940.

Re-examination.—Nil.

Witness states:—

Between 1 and 1-30 P.M. Accused 1 came and told me that he learnt that a warrant of attachment had been issued against him. I then told him to make enquiries and find out what had became of the warrant and the amount payable. He told me between 3-30 and 4 P.M. that the warrant had been returned unexecuted. It was in the interval between these two hours that Accused 1 had come in search of Accused 5.

Read over and admitted to be correct.

(Sd). A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
25-7-40.

Deposition of M. Gurumurthi. P. W. 98.

Father's name—Pillaiah.
Age—30 years.
Caste—Reddy.
Occupation—Drawing Teacher, R.B.A.N.S. High School.
Residence—Gandhinagar, Bangalore City.

Duly Sworn,
25th July 1940.

I am the son-in-law of the late Mr. Muninanjappa. My wife is Sharadamma. Muninanjappa and his wife fostered me from my infancy. Exhibit P220 is a letter written to me by Accused 5 and dated 18th April 1935. I have produced this in O. S. 11—37-38. I was in the house of Muninanjappa when the latter had his last illness. I know Venkatasamappa. I have heard of Pathangi Krishniah but I have not seen him. All these three were debtors of Muninanjappa.

I am not aware of any will having been executed by the late Muninanjappa. Exhibit P157 is not my signature. I never signed Exhibit P157.

Cross-examination.—by Mr. G. R. E. Nil.

Cross-examination.—by Mr. V. V. S. I.

I was regarded as a member of Mr. Muninanjappa's family. Maistri Pilliah was my father. He was alive at the time of the death of Muninanjappa. He used to visit Muninanjappa now and then during the last days of the latter. I cannot say on what days prior to the death of Muninanjappa, my father visited him. I have no specific recollection of 5th January 1935. I cannot say whether on that day my father had come to Muninanjappa's house. My father died 6 or 7 months back. I do not know in what language my father was signing. I have never seen him write.

I am now 30 years old. I had no occasion to get letters from him. I have not seen him write to others. If any signature purporting to be my father's is shown to me I cannot say whether it is his or not. I do not know if my father was literate or not. My father was the step brother of Lakshmamma. He left behind him 4 sons including me. I did not get any property from my father's family. My father left some lands and a house. I do not know if my father had borrowed money from Muninanjappa. My father's family property is not divided. It depends on the law whether I get a share or not in my father's property. I expected a share in my father-in-law's property. Lakshmamma was fond of me as much as she was fond of her sons. I have no knowledge if Lakshmamma was asking Muninanjappa to give a share in his properties to me. Till 8 months back I was living with Lakshmamma. Occasionally I was accompanying Lakshmamma whenever she went out. The house where Lakshmamma now lives is my wife's. Lakshmamma pays rent to us for this house under a written lease deed. This came into existence 5 or 6 months back and before the arrest of Accused 1. I am accompanying Lakshmamma to Law Courts. I am not assisting her in her litigation. Exhibit P 82a is my signature. I have attested Lakshmamma's thumb mark in Exhibit P 82. My signature in Exhibit P 82a is in my usual writing. I have passed the Intermediate examination. Exhibit P 8a to P 16a are my signatures in the chellans.

I have written the entire Exhibit P 82. The endorsements on the bonds Exhibit P 96 series are not in my writing. They look like mine but are not mine. I saw those bonds only when they were taken to the late Mr. Sooryaprakash.

From the general appearance of the letters in the endorsements on the bonds I say they are not mine. I cannot identify any writing in the will Exhibit P 157. I have seen some thumb impressions made by Lakshmamma. I cannot identify those impressions. I see the name of Accused 1 in the will, Exhibit P 157. I cannot say if it is Accused 1's signature. I am not acquainted with the handwriting or signature of Accused 1. I knew Bereke Venkatasami who lives half-a-furlong from us. I do not know his signature. He was going to Muninanjappa when the latter was ill. I know Balakrishna Mudaliar who was living in our compound but I do not know his signature.

I know Hoskote Nanjundappa. He was a friend of my father-in-law. I cannot say if his signature is found in Exhibit P 157.

I am acquainted with the signatures of myself and my father-in-law. In the Lower Court I have said that the signature Exhibit P 157g is like mine. I do not remember what answer I have given in this Court with regard to this signature.

I see Exhibit P 157 g. The letter 'M' looks like 'N'. The style of the signature is not mine.

I have never seen Ramachandra Rao the writer of Exhibit P 157. He has never come to our Bungalow. I have not seen Muninanjappa put his thumb impressions for any documents at any time. I am not aware if Muninanjappa had to put thumb impressions in connection with some fixed deposits. A month and a half before his death Muninanjappa was unable to sign his name. His hands were swollen. There was no occasion for Muninanjappa to put his signature for any document during that period. Only on the date of fixed deposits I saw P. W. 22 Mr. T. M. S. Subramaniam had come to see Muninanjappa. They were both talking something. I know Pandit Narasimhiah. About twice or so he called on Muninajappa when the latter was sick. I did not see him treat my father-in-law. I have stated in the Lower Court that he treated my father-in-law for some time Hoskote Nanjundaiah was visiting my father-in-law during his illness. Other relations of my father-in-law at Ulsoor were also visiting him then.

Re-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
25-7-40.

Cross-examination—with permission by Mr. V. V. Sreenivasa Iyengar.

I am also living in a different portion of the same house where Lakshmamma is living. That house was not built by Lakshmamma for me. I moved into that

house before Lakshmamma occupied it about 8 months back. Till 8 months back we were living in another house at Ghandinagar. I cannot describe my 'style' of writing. I know Mr. Murthy, Executive Engineer, Civil and Military Station. My father-in-law had obtained a number of contracts from him. I am aware generally people pay a visit on the New Year's day to Europeans. I do not know if my father-in-law paid such a visit on the New Year's day in 1935. I do not know if Exhibit P 216 was maintained in my father-in-law's house.

Re-examination.—I do not know who has written this, but my father-in-law was keeping accounts.

Read over and admitted to be correct.

This is maintained by Kodanda Rama Reddy. The latter was 14 or 15 years old when his father died.

There is an entry dated 17-11-34 on page 11 of Exhibit P 216 that Rs. 3-4-0 has been paid as subscription for the 'Hindu'.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
25-7-40.

Deposition of Mr. Mahamed Akber Ali. P. W. 99.

Father's name—M. Abdul Khader Sahib.
Age—34 years.
Caste—Muslim.
Occupation—Clerk, C. S. P's Office.
Residence—Bangalore City.

Duly sworn,
Dated 25-7-40.

I am the Crime clerk in the City Superintendent's Office. Mr. Narasimhiah th Police Inspector sent the letters Exhibits P 222 and P 223 to my office for being sent to the Chemical Examiner. Exhibit P 224 is the sample seal sent by him enclosing a parcel for being sent to the Chemical Examiner. The seals on the parcel agreed with the sample seals. My officer sent the parcel to the Chemical Examiner with his letter Exhibits P 225 and P 226. Exhibit P 227 to Exhibit P 229 are the certificates sent by the Chemical Examiner with regard to the parcel sent by us.

We sent these to Inspector Mr. Narasimhiah. The seals on these certificates were intact.

Cross-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
25-7-40.

Deposition of Gopal Nair. P. W. 100.

Father's name—Krishna Nair.
Age—25 years.
Caste—Nair.
Occupation—Police Daffedar, No. 53 of Bangalore City.
Residence—Bangalore City.

Duly sworn,
Dated 25-7-40.

In connection with this case I took a sealed packet from the City Police Superintendent's Office to the Chemical Examiner. The seals were intact when I took charge of the packet. I was given a letter also along with the packet to the

Chemical Examiner. I brought the packet from the Chemical Examiner's office and handed it over to the investigating officer.

Cross-examination—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO, 5
Second Additional Sessions Judge,
25-7-40.

Deposition of Dr. G. M. Dominick. P. W. 101.

Father's name—Dr. G. Dominick.
Age—54 years. 10
Caste—Indian Christian.
Occupation—Doctor (Chemical Examiner).
Residence—23, Hospital Road, Bangalore.

Duly sworn,
Dated 26-7-40. 15

I am the Chemical Examiner to the Government of Mysore. The Bangalore City Police sent me clothes M. O. 2, M. O. 11 and cotton waste M. O. 12 for examination. I packed and sealed them and sent them to the Imperial Seriologist. A handkerchief had also been sent to me. I sent it also to him. Exhibit P 227 to P 229 are the certificates I have given with respect to these M. Os. Exhibit P 20 221 and 221b are the certificates given by the Seriologist. We had sent these to Calcutta as we have no appliances to test the human blood here.

Cross-examination—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO, 25
Second Additional Sessions Judge,
26-7-40.

Deposition of Mr. M. Narasimhaiah. P. W. 102.

Father's name.—M. Munisamappa.
Age—38 years. 30
Caste—Vokkaligar.
Occupation—Inspector of Police, "A" Division.
Residence—Bangalore City.

Duly sworn,
Dated 26-7-1940. 35

I am an Inspector of Police, Bangalore City. I investigated this case. I nined witnesses and arrested all the accused on information given by A 1. I ed a handkerchief M. O. 28 in a causarina tope, Pullainhalli. I held a mahazar e. The dhoby mark found on the kerchief tallied with the dhoby mark found he panche by A 1. On the information given by A 3 I seized the waterproof 40 M. O. 2 on 15th March 1940. The green kerchief M. O. 11 was found in the arina tope in Konena Agrahara on the information given by A 2. I seized it and ed it and sent it to the Chemical Examiner. On the information of A 2 I also ed a dark green piece of cloth M. O. 31 from the loft of the cattle shed in A 1's galow compound. A 2 was living in that cattle shed. I got the Hebbal Tank 45 searched on 9th March 1940 and 10th March 1940 in the presence of Panchayetdars on the information given by Ponnambalam, the approver. Nothing was found in the tank on the 9th March. I kept a watch over the tank to see that nobody threw anything in the tank or got into the tank. On the 10th March again we searched the tank. On that day M. Os. 6, 7, 8 and 9 were found in the tank. We seized 50 them under a mahazar. The persons sent inside the tank were searched before they were inside the tank. I seized the cars M. Os. 3 and 4. There were sockets in the car M. O. 3. These sockets are M. Os. 29 and 30. I removed them and produced

them to Court. I completed the investigation and placed the charge sheet on 23rd March 1940.

Cross-examination—by Mr. G. R. E.

A 1 gave me information that the dead body of Krishna Murthy was placed in a casuarina tope near the 10th mile in Bangalore-Dodballapur Road. That is exactly the information he gave. No lawyer interviewed A 1 before the latter gave his confession statement. On 2nd March 1940 Y. S. Narayana Rao, Sharabanna, Laxmaniengar were examined by the Police. Thimmiah, Ananthasami, Shama Rao, and Srinivasa Murthi were examined on 3rd March 1940. So far as I know no one interviewed A 1, while in Police custody.

Cross-examination—by Mr. H. G. R.

On 8th March 1940 I searched the houses of A 1 to A 4. I found nothing incriminating there on the same day. I searched for the articles of the deceased in the shed of A 1's apple garden. I did not search for anything else there. There were some other articles such as an over-coat and a kambli. I did not look into them. I did not make a note of these articles there. I do not remember if the shed contained a chimney or hearth. The cattle was also lethered in a portion of the cattle shed of A 1 which I have referred to above. I do not know how many cows A 1 had in that shed. I saw only a calf. There was neither a hearth nor a chimney there. I did not make enquiries whether A 2 was a married man. It was not difficult for me to find it out if I wanted it. I got information that his father-in-law was at Thippasandra on 8th March 1940. His father-in-law's house also was searched.

Cross-examination—by Mr. G. C. Reddy.

Accused 1 and Ponnambalam were arrested first. Accused 4 was arrested last at about 9 A.M. on 8th March 1940. I searched his house and found nothing incrimating. I arrested A 4 near his house. There is a distance of 1½′ between the front edge of the back seat and the back of the driver's seat in M. O. 4 van. I have not observed if the back of the back seat is higher than the back of the driver's seat.

Cross examination by Mr. V. V. S. I.

I am not at any time been in possession of any evidence regarding A5 which has not been placed either in this Court or in the Lower Court. We placed a charge sheet against A1 to A5 for murder. I have been an Inspector of Police for the last 13 years. I am aware of the difference between the commission of an offence and an abetment of the offence. Sections 107 and 109 of I. P. C. are the sections relating to abetment. We have not placed the charge sheet against A1 to A5 for abetment of murder. We had sufficient evidence against A5 to justify a charge against him for murder. That evidence has been now let in in this case. The evidence adduced in this case is even now sufficient to justify a charge for murder against A5. We did not place any charge sheet against A5 with the hope of getting more evidence in future. We had ample evidence even at the beginning. I applied for three remand orders against A5 before I placed the charge sheet. This was on 11th March 1940, 16th March 1940 and 21st March 1940. On all these two occasions I told the Magistrate that A5 had abetted the commission of the offence of murder. Before me A1 made a confession on 8th March 1940 at night. He voluntarily made a statement. I did not put him any questions at all. On the evening of 8th March 1940 I questioned A1 with regard to the articles of the deceased. No sooner A1 was arrested at 2-30 A.M. on 8th March 1940 he made a confession. I arrested A1 in his bungalow. He made the confession about five minutes after he was arrested in the Ulsoor Police Station. I recorded his confession. His confession before me corroborates with what he has said before the City Magistrate. Mr. Wynne the D. S. P. alone was present when he confessed before me. The C. & M. Station Police Officers 2 or 3 were also present there. I did not tell the City Magistrate who recorded A1's confession, that I had taken a statement from A1. I had not examined Ponnambalam when I recorded A1's statement. I did not offer any inducement to A1, to make a confession before me. No one told him that if he were to confess he would be dealt with lightly. A1 himself voluntarily made the confession. A1 was in the custody of the Police from 40 hours before he gave a confession before the Magistrate. He was escorted by the Police to the Magistrate when he made the confession. I do not know how

many police officers interviewed A1, how often and when. I do not know if any objection was taken for Police officers interviewing prisoners in the Central Jail. I know the signatures of Mr. Wynne and Mr. V. V. Naik. A Visitors book is kept at the entrance of the Central Jail. Any one entering the Jail has to sign in this book. Ponnambalam had been also remanded to the Central Jail. He was removed subsequently to Byramangala Jail. I do not know why he was so transferred. I see from the visitors book of the Jail the signatures of Mr. Wynne and Mr. V. V. Naik under the dates 16th March 1940, 19th March 1940 and 26th March 1940 at D.29(a), D.29(b) and D.29(c) are these entries. Both these signatures are together on these dates. I am not aware if an order was passed on 1st April 1940 to remove Ponnambalam to the Byramangala Jail. On 9th March 1940 I examined Ponnambalam for the first time in the evening at about 3 P.M. That day he gave a bit of information on the 17th March 1940. I made his comprehensive examination and reduced it to writing. I call that also a confession. From 9th March 1940 to 17th March 1940 he was in the custody of the Police. On 18th March 1940 I took him to a Magistrate for recording his confessfon. On the 17th March there was a reference to Ponnambalam's confession. His statement was voluntary without persuasion or threat. I do not know when the word 'pardon' came to be used with reference to Ponnambalam. I do not know the circumstances under which pardon was tendered to Ponnambalam. I suggested to the Superintendent of Police that a pardon may be tendered to him. This was between 20th and 25th March. I cannot give the exact date. I made this suggestion to my Superintendent. I do not know who explained to Ponnambalam what a pardon meant and what were the conditions of pardon. I did not sound Ponnambalam as to his views in the matter. I examined P.W. 51 Syed Isuf, on 1st April 1940. I also examined Mohamed Ibrahim and Gurusami who were in the taxi of P. W. 51, near Ananda Bhavan on the morning of 2nd March 1940. I examined them on 23rd March 1940 and 1st April 1940. Shamanna Gowda and Marappa were examined on 24th March 1940. I examined Chickkanniah and Nanjappa Reddy on 22nd March 1940.

Re-examination.—

Mohamad Ibrahim and Gurusami gave conflicting statements and they were clients of A5 and were hostile. I arrested A5 on 10th March 1940 at 3-25 P.M. Mr. V. V. Naik is not my superior Officer. Byramangala and Ulsoor are not in my jurisdiction.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Session Judge,
26-7-40.

Cross-examination with permission.—

The whereabouts of Munian who was examined as P. W. 80 in the Lower Court are not known. Now, he is not here.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
26-7-40.

Recalled, sworn and cross-examined with permission by Mr. H. G. R.

I sent a constable Thimma to Tiruvannamale in search of Munian. I sent Thimma last month in search of him. I have no record to show this. Gardener Kullappa told me that Munian had gone to Tiruvannamale. Kullappa is available now in C. and M. Station.

Cross-examination by Mr. V. V. S. I.

Accused five gave me the list of persons who could give information about his movements. This was on 10th March 1940. I examined Mr. C. V. Narasimha

Iyengar, one of those persons mentioned by A5 on 16th March 1940. On 2nd Apr 1940 or 3rd April 1940 I examined the other persons mentioned by A5 and place the final charge sheet on 3rd April 1940. I examined Mr. D. Shama Rao ar Mr. G. K. Raghavendra Rao on 6th March 1940.

5 *Re-examination.*—

As I could not secure earlier the persons referred to by A5 though I sent fc them I examined them on 2nd April or 3rd April 1940. I did not put Gurusan and Mohamad Ibrahim as P. Ws. as they gave contradictory answers.

Read over and admitted to be correct.

10 (Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
29-7-40.

Deposition of Mr. Gangapathi Sharma. P. W. 103.

Father's name—Seshu Iyer.
15 Age—47 years.
Caste—Brahmin.
Occupation—Bench Clerk, District Sessions Court Bangalore Cantonment.
Residence—Malleswaram, Bangalore City.

20 Duly Sworn,
26-7-40.

I am aware of the proceedings in O. S. 38-39 on the file of the District Judge, C. & M. Station. It was first filed as O. P. 47-39. O. P. 47-39 was for the grant of probate under Section 276 of the Indian Succession Act 1925 on a will of the 25 late Mr. K. Muninanjappa. The petitioner was K. M. Narayana Reddy A1. This petition was countersigned by his counsel Mr. H. S. Narasiah. Exhibit P230 is a copy of that petition. The value of the estate according to the schedule of the petition was Rs. 68,500. Mr. M. Krishna Murthy along with Mr. Ahobalanath appeared for Lakshmamma and Kodanda Rama Reddy opponents in that case. 30 Exhibit P231 is the copy of the objection statement filed by them. A copy of the will along with the translation was filed in that case. That copy is Exhibit P232. Lakshmamma has filed another statement copy of which is Exhibit P233. This was filed on 20th November 1939. Lakshmamma has put her thumb mark to it and Mr. M. Krishna Murthy has countersigned it. A witness list was filed in that case 35 on 8th February 1940 by Mr. H. S. Narasiah. A5 was one of the witnesses summoned. Exhibit P234 is a copy of the process memo filed for summoning A5. This is dated 16th February 1940. Exhibit P235 is a copy of the witness, list filed on 8th February 1940. That was marked as Exhibit D2 in the Lower Court. That had been filed by Mr. Narasiah the Advocate. The first witness in that list was 40 A5. In that list he had been cited to give evidence. Proceedings of a contested nature in the matter of probate are registered as suits though they are registered as O. P. at first. I was the Bench clerk when these proceedings were going on in that Court. Summons was issued to A5 on 23rd February 1940 once. For hearing on 13th February 1940 a summons had also been issued on 9th February 45 1940 to A5. The 1st summons issued on 9th February 1940 was served on the office of A5. The summons for service in the City are issued through Mysore Courts. On 13th February 1940 A5 did not appear in Court. The next summons intended for 23rd February 1940 (hearing 26th February 1940) was not issued from our Office for want of time. The case was adjourned from 26th February 1940 to 50 4th March 1940. The Judge has noted that the process fee was paid late and that the case was adjourned to 4th March 1940 as a last chance. During the first week of February of this year the Judge told me that he had received an anonymous petition regarding the delay in the disposal of that case and that I should inform the advocates on both sides to be ready by 13th February 1940. I informed both 55 Mr. Narasiah and Mr. M. Krishna Murty to be ready by that date on 13th February 1940. Both advocates representented that the will was the most important document in the case and that as the will was filed in the City Court the case could

not be proceeded with and got an adjournment. The judge mentioned in open Court the receipt of an anonymous petition in connection with this case and said that whoever was responsible for this case be condemned the method of sending such petitions. On that day the Judge passed an order stating "that at the request of parties to cause the will to be produced to Court through a Court official" and adjourned it to 14th February 1940. Exhibit P236 is a copy of the letter of request sent to the City Court. We got no reply for it, from the City Court. The case was adjourned to 26th February 1940 and from that day it was adjourned to 4th March 1940. Exhibit P237 is a copy of the Judge's notes in that case. On 4th March 1940 the case was again taken up. Accused five was not served for that hearing that day. F. S. was ordered to him both to City and C. and M. Station addresses. On 3rd November 1939 Mr. M. Krishna Murthy filed the vakalat in this case. The petition for probate was filed on 6th July 1939. Exhibit P238 is a copy of the affidavit filed by A1 along with his petition for probate. On 4th March 1940 the case did not proceed. On 4th March 1940 Mr. Ahobalanath represented to the Court that his senior Mr. M. Krishna Murthy had been kidnapped. The original will has not been produced in our Court. That case is still pending and is posted to 28th August 1940 pending receipt of the will. Exhibit P239 is a copy of the statement filed by Kodanda Rama Reddy. He was represented by Mr. Ahobalanath. Exhibit P240 is a copy of the notice issued to the Collector mentioning the gross value of the estate of Muninanjappa. In Exhibit P198 Mr. C. V. Narasimh Iyengar has filed a statement of accounts to our Court for the expenditure of Rs. 1,000 sanctioned to him. I remember the proceedings in O. S. 22—1934. The execution proceedings in that case went on as far as 1st July 1937. A5 appeared for 1st Judgements debtor Narayana Reddy in the Execution Case 108 of 1936.

Cross-examination by Mr. V. V. S. I.—

After 13th February 1940 no summons was asked for or issued to A5 to give evidence. What was required of A5 on 26th February 1940 and 4th March 1940 was only to produce the will or caused to produce the will. Neither for 26th February 1940 nor 4th March 1940 was any summons issued or served on him. The Court had been informed by both parties that the custody of the will was with the District Court, Bangalore. Till the 4th March we got no reply from the District Judge, Bangalore City to our letter asking him to send the will in original. Execution of the decree in O. S. 22—1934 had been taken out.

Re-examination.—

Summons was ordered to A5 as it was represented that the City Court could not send the will to our Court and A5 was expected to take back the will and produce it in our Court.

Cross-examination with permission.—

The original will is never returned to the party.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
26-7-1940.

Deposition of H. S. Narasiah. P. W. 104.

Father's name—Srinivasiah.
Age—35 years.
Caste—Brahmin.
Occupation—Advocate.
Residence—23 (B) Cambridge Road, Ulsoor, Bangalore Cantonment.

Duly sworn,
Dated 29th July 1940.

I am practising both in this City and Civil and Military Station as an advocate. I have appeared in a number of cases on behalf of A1. I have been appearing for A1 in O. P. 47—39 on the file of the District Judge, Civil and Military

Station. This case was converted into O. S. 38-39 as it was a contested pr ceeding. In that case I filed a list as witnesses as per Exhibit P. 235 on 7t February 1940. A5 was the first witness in that list. I had summoned him t give evidence. That case was peremptorily posted to 4th March 1940, four or fi days prior to 4th March 1940. I had met A1. I told him that the case had bee posted to 4th March 1940 for production of the will as a last chance and that I must somehow or other see that the will was produced. The will referred to Exhibit P. 157. The estate involved was two lakhs and odd.

Cross-examination.—By Mr. V. V. S. I.

At the time I met A1, I knew and A1 knew that the will had been produced in O. S. 11—37-38 on the file of the Additional District Judge, Bangalore. There was a probate suit also pending in connection with the same will O. S. 10 of 39-40 before the Additional District Judge. I do not know when it was disposed of. I had taken steps before 4th March 1940 for the production of the original will before the District Judge, Civil and Military Station. Prior to this I had made an application before the District Judge, Bangalore City, for return of the will for its production before the Munsiff-Magistrate in connection with the trial of a suit. I do not know if any order was passed by the District Judge but the latter told me orally that as I had not produced it to Court and as A5 had produced it I could not get it. This was before the probate application was filed in the City Court. Exhibit P. 112 is my application. I had filed an application in 257—38-39 for sending for the will from the file of another record for having filed in the probate proceedings. The Court passed an order stating that the will should be sent for. This was on 18th July 1939. After that day the will was in the Court in some case file. Few hearings previous to 4th March 1940 summons were taken to A5 for production of the will only and not for his evidence. I am not aware whether the summons was served on him or not. There were other cases of A1 in Civil and Military Station Court not relating to the will in question. In those cases I represented A1 and A5, had nothing to do with those cases. So far as cases of A1 on my file was concerned A5 had nothing to do with them. From what A1 Narayana Reddy was telling me I could see there were misunderstandings between A1 and A5 Venkataranga Iyengar. A1 gave me first brief 1½ years prior to March 1940. It is from that period of 1½ years that there arose misunderstandings between A1 and A5.

Re-examination.—The application for the return of the will was filed on 26th August 1938. This is Exhibit P. 241. I have signed exhibit P. 241. exhibit P. 118a is a precis of my application in the order sheet. No order was passed then. I do not remember if any order was passed on my application. The Judge said my application could not be granted as it was not filed by the person who produced the will. Before taking the summons for the will there was a discussion in the Civil and Military Station Court that all parties should endeavour to produce the will. So to enable A5 to file an application in the Court in which the will was pending and to take it back, if the Court permitted and to produce it to Court, summons was taken to A5. I was not asked in the lower Court about the misunderstanding between A1 and A5.

Read over and adm[illegible] to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
29-7-1940.

Deposition of Rangachar. P. W. 105.

Father's name—Srinivasachar.
Age—37 years.
Caste—Brahmin.
Occupation—Assistant Health Officer.
Residence—80, Old Madras Road, Civil and Military Station, Bangalore.

Duly sworn,
Dated 30th July 1940.

I am the Medical Assistant to the Health Officer, Civil and Military Station. Exhibit P. 242 is a death certificate showing the death of Muninaniappa. That is

given by the Collector. Exhibit P. 243 is a similar certificate given by the Health Officer. Exhibit P. 244 is the Register of deaths maintained in Ulsoor, in P. 244 (*a*) the entry relates to the death of Munindanjappa. The person who gave information of Munindanjappa's death is described as Narayana Reddy. I report the deaths in my jurisdiction to the Collector through the Health Officer. In the Health Officer's Office all the deaths reported are entered in a particular Register. That Register is Exhibit P. 245. My name is shown there as the informant. I knew personally Munindanjappa's death. I was not the first informant at all in reporting Munindanjappa's death.

Cross-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
30-7-1940.

Deposition of Lakshminarayana Rao. P. W. 106.

Father's name—Gopala Rao.
Age—40 years.
Caste—Smartha Brahmin.
Occupation—Clerk, High Court.
Residence—Bangalore.

Duly Sworn.
Dated 29th July 1940.

I am a clerk in the Mysore High Court. Mr. M. Krishna Murthy had filed an appeal in the High Court in Mis. Appeal 1 of 1939-40 against an order on I. A. I in O. S. 11 of 1937-38 on the file of the District Judge, Bangalore. He asked for cancellation of the temporary injunction order passed by the District Judge. The High Court passed the final order in that appeal on 18th December 1939. The appeal memo Exhibit P. 248 has been signed by Mr. M. Krishna Murthy. He also filed C. R. P. 79 of 1939-40 against the order passed on I. A. 5 in O. S. 11 of 1937-38. That petition was filed by Mr. Krishna Murthy himself. There is a note made by the Judge on 28th August 1939 to this effect. "Mr. M. Krishna Murthy states that he does not press this petition. Since the pronote case is posted to 21st September 1939" so, that petition was dismissed. Mr. M. Krishna Murthy has filed a Mis. Appeal 20 of 1939-40 against the order of the District Judge, dated 3rd April 1939 in Mis. 67 of 1935-36. That appeal was dismissed on 8th December 1939. There was a direction by the High Court on 28th August 1939 stating that the probate case should be disposed of without delay.

Cross-examination.—Nil.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
29-7-40

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Evidence for Defence.

Deposition of H. Gundappa. D. W. 1.

Father's name—Hanumanthappa.
Age—50 years.
Caste—Vokkaligar.
Occupation—Contractor and Agriculturist.
Residence—Mandur, Hoskote Taluk.

Duly Sworn,
Dated 30th July 1940.

I was formerly living in the Civil and Military Station, Ulsoor. I was an Honorary Magistrate in the Civil and Military Station from 1934 to 1939. I knew

the late Muninanjappa. I was familiar with him. I remember attesting thumb impressions of Muninanjappa. I can recognise them. I see Exhibit P. 182 to P. 184. Muninanjappa has put his left hand thumb marks to these documents and I have attested to these thumb impressions. Muninanjappa put those thumb 5 impressions. On the day he put his thumb marks he was not able to sign as his hands were swollen. I attested to his thumb marks at his own request. I talked to him. He was able to understand what he was doing then. His state of mind then was all right. I see Exhibit P. 96 series the Treasury Bonds. Muninanjappa put his thumb marks to the endorsements on these bonds and I have attested to 10 his thumb marks. He put his thumb impressions in my presence. I attested them at his request. He put his thumb marks to Exhibit P. 96 series and to P. 182 to P. 184 at the same time. I attested them at the same time. The endorsements Exhibit P. 96 (1) to P. 96 (18) are in the writing of Gurumurthi, the son-in-law of Muninanjappa. Gurumurthi wrote all these endorsement 15 as desired by Muninanjappa in my presence. Lakshmamma brought these bonds from her custody at the desire of Muninanjappa. I see exhibit P. 166. That also contains the thumb marks of Muninanjappa which I have attested.

Cross-examination by P. P.—(Witness wants the Public Prosecutor to put questions in Kannada.)

20 I know Gurumurthi (P. W. 98) and I have seen him write the endorsement. Gurumurthi has not written any letters to me. I have not seen Gurumurthi write on any other occasion. Venkatasamappa or someone else may have written Exhibit P. 166. Venkatasamappa must have written it. I stated now that either Venkatasami or Gurumurthi wrote it. I have written the words witnessed by me 25 in Exhibit P. 166. The words L. T. mark of Muninanjappa are in the writing of the writer of Exhibit P. 166. Exhibit P. 166 was written in my presence. Exhibit P. 182 to P. 184 also were written in my presence. These four documents were written on 6th January 1935. I say so by memory and by looking at the dates. I put the dates in Exhibit P. 182 to P. 184 and in Exhibit P. 166. 30 I put the figure '5' at first and altered it to '6' as 6th was the correct date. The word Ulsoor above the date was not written by me in these exhibits. I have put the figures '35' in these exhibits. I have not put the month and year in these exhibits. I have altered the date. The figure '5' as the date is put by me and altered by me to '6'. The month and year must have been inserted by the writer 35 of these exhibits. I cannot say which of these four exhibits were written at first. The date '5' was not put by me in these exhibits. I altered the figure to 6 in these exhibits. I have put the date 6th January 1935 under my signatures. All these exhibits were written at 3-30 or 4 P.M. I had not taken the Bench Magistrate's seal with me. I did not seal these letters with that seal. They were sealed with 40 the seal the next day. The seal is in court always. I did not put the date 5th January 1935. This date was not put before me. Exhibits P. 166 and P. 182 to 184 were written before me but they were not dated before me by anyone. I cannot identify the writing of Berke Venkatasamappa. I had been sent for to attest these documents. I had then gone to Viswanatha Mudaliar's house on a visit. I 45 do not know how Muninanjappa knew that I was in Viswanatha Mudaliar's house. A1 took me in his car for that house saying that his father wanted me. I told him that the office seal was not with me. A1 told me that if I went away to the estate I would not be available easily I was Director of the Bangalore Bank from 1935 for 2 or 3 years. I knew that Exhibit P. 166 and P. 182 to 84 had been 50 addressed to Bangalore Bank. A1 knows how to write English. I have lands in Mandur to which I pay assessment. I have no lands in Civil and Military Station. Three or four suits have been filed against me. Nathmal has obtained a decree against me. Kundanmull has also obtained a decree against me. There are 2 decrees pending against me in the Civil and Military Station. The Bangalore 55 Bank has filed a suit against me and it is pending. No suit has been filed against me for mismanagement of trust properties. I was the power of attorney holder for my brother-in-law, P.W. 54, Shamanna Gowda. The endorsements on Exhibit P. 96 are dated 6th January 1935. These endorsements were written earlier than Exhibit P. 166 and P. 182 to 184. I was not then working as Bench Magistrate as my 60 turn had not come that month. I do not know when the seal was got affixed to these several documents. I do not know if arrest warrants are pending against me.

Re-examination.— I have filed 60 or 70 suits. I am paying an assessment of Rs. 300 and odd. My properties are worth Rs. 30,000 or Rs. 40,000. The practice of putting seals later on is common.

Cross-examination by Mr. G. R. E.—I cannot say in what month in 1935 I became Director of the Bangalore Bank. Bangalore Bank filed a suit against me in 1939 or 1940. 5

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge,
30-7-1940. 10

Witness recalled and further examined— dated 31st July 1940.

I did not ask any one about the Will when I attested Exhibit P. 166 and P. 182 to 184 as no one told me about it. Someone told me that a Will had been written. I was told the bonds related to charity. I did not question anyone about the Will. I did not question anyone why the bonds had been endorsed to 15 A1. An arrest warrant may be pending against me since 1937 in connection with the Bangalore Bank decree. There are decrees against me in O.S. 257 of 36, O.S. 9—37, O.S. 1 6—37, O.S. 121—36, O.S. 23—38, and in S. C. 590—39.

Arasoji Rao, Mudulal, Byram Bux, Sathramdas and Dhulraj have also obtained decrees against me. I am making payments to them. Dhoolraj got my properties 20 attached and sold long back.

I have transferred the properties of Shamanna Gowda and of his brother to them. They have gifted a portion of these properties to their sister. My brother has filed a partition suit against me in the Sub-Court. The above decrees are against me personally. 25

Re-examination.—I contracted these debts as agent of Shamanna Gowda and in respect of their affairs. I contracted these debts as surety.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO, 30
Additional Sessions Judge,
31-7-1940

Deposition of M. Venkatasamappa. D.W. 2.
Father's name—Munisamappa.
Age—60 years. 35
Caste—Vokkaligar.
Occupation.—Contractor.
Residence—Ulsoor, Bangalore Cantt.

Duly Sworn.
30-7-1940. 40

I am known as Bereke Venkatasami. I knew the late Munindnjappa. I knew him from his childhood. We were both living in the same street. My house is less than half a furlong from the house where Munindnjappa died. I am a building contractor. I was a Municipal Commissioner 12 years back.

I remember Munindnjappa's illness and death. I know Munindnjappa made a 45 Will three days before his death. I have attested that Will. I see Exhibit P. 157. This is the will executed by Munindnjappa. I have attested it first. Munindnjappa knew how to sign his name. As his hands were swollen and as he had no control over his legs he could not sign the Will. Munindnjappa has put his thumb marks to the Will. The Will after it was written was read over to him. His state 50 of mind was quite all right then. About 7 or 8 persons were present when Munindnjappa put his thumb impression to the Will. The attestors attested in his presence. His wife Laxmamma was present when he put his thumb marks to the Will. Laxmamma also attested the Will by means of her thumb mark. She did so in my presence. M. Gurumurthi, another attestor, is Munindnjappa's son-in- 55 law. Exhibit P. 157 (g) is Gurumurthi's signature.

He signed it before me. I knew Maistri Pilliah, the father of Gurumurthi. He was there. He has also attested the Will in my presence. Maistri Pilliah is now dead. Gurumurthi was present when his father attested the Will.

A1 too attested the Will in my presence. Pandit Narasimiah and Nanjundappa have also attested this Will. Pandit Narasimhiah was treating Munindnjappa when the latter was sick. I knew this personally. I knew Mr. Murphy, the Municipal Engineer, Civil and Military Station. Munindnjappa was a contractor under Mr. Murphy and he was visiting the latter.

On 1st January 1935, Munindnjappa visited Mr. Murphy last in the bungalow of the latter. I, Munindnjappa, Kenchappa, Gurumurthi and A1 all visited Mr. Murphy withpresents on 1st January 1935. We all went in Mr. Munindnjappa's big car. Mr. Murphy was in the bungalow with his wife. We delivered the presents to him. Mr. Munindnjappa was not able to get out of the car. Mr. Murphy questioned Munindnjappa why he came with that state of health. Mr. Munindnjappa then told Mr. Murphy to look after A1 and Gurumurthi, as much as he was looking after him.

The endorsements Exhibit P. 96 (1) to P. 96 (18) are in the writing of Gurumurthi.

Cross-examination by Mr. G. S. D.—A5 was outside the room, when we attested the Will. A5 Mas then a lawyer. No one suggested that A5 should attest the Will. By state of mind I understand whether he was conscious or not "ಜ್ಞಾನ ಸರಿಯಾಗಿತ್ತೆ" Munindnjappa was able to discuss and understand what we said at the time he made the Will. I used to visit him for two or three months before his death. Doctor Shankara Rao was giving him medicine for two or three months. At the time the Will was written Shankar Rao was not treating him as his medicines did not improve him. Col. Hance also saw him 7 or 8 or 10 days before his death. I and A1 brought Doctor Subba Rao on 7th January 1935. Shankara Rao was not present when Subba Rao came there. The Will was being written since the morning of 5th January 1935, and it was completed before evening. The words used in the Will are that of A5. The Will was with A5 after it was written. With the help of Gurumurthi, Munindnjappa put his thumb mark with an ink pad. The writer was pointing out the places where the thumb mark had to be put. I attested the Will as desired by Munindnjappa. The corrigenda was got written by A5. By the date of the Will I had discharged the debt due to Munindnjappa. One year before that I had discharged my debt. The pronote I executed was with him. I have no properties in my name now. I have signed Exhibit P. 143 (16).

I got this written on 16th January 1936. I got this issued on my own accord. I may have consulted A5. By that time I ceased talking to her as I did not like the association of women. It was not good to talk to her then orally. Laxmamma did not know English. As she had a lawyer Mr. Sooryaprakash, I wrote the notice in English.

Further examination reserved for want of time.

Read over and admitted to be correct.

(Sd) A. SUNDARARAJA RAO,
Additional Sessions Judge.
30-7-1940.

Recalled, sworn and further cross-examined— 31st July 1940.

I knew Laxmamma was going to Mr. Sooryaprakash for 2, 3 or 4 months before I issued the notice, Exhibit P. 143 (16). I ceased going to Laxmamma from the time she began living separately from A1.

I cannot say now whose words I have used in the notice. This was the first notice I issued to her. Ex. P. 96 series are the bonds referred to in my notice. I knew these bonds had been endorsed over to A1 but still Laxmamma was in possession of these bonds. Laxmamma had no interest in these bonds. As she was the *yejaman* of the house the bonds were left with her. A1 could not have kept these bonds in safe custody. I was then in close touch with A1. I have given the details of the endorsement in my notice. In September 1935 I demanded that the bonds should be cashed. I did so orally. From the beginning I knew

that Laxmamma was in possession of the bonds. A1 had told me that Laxmamma had refused to give the bonds to him. Everything written in the notice was known to me. I did not see Laxmamma after she left A1's house. I used to talk to Laxmamma about her welfare till then but I was not talking to her any business matter. Five or six weeks after Muninanjappa's death Laxmamma expressed a desire that the bonds should be endorsed in favour of the three trustees from the name of A1. There is nothing else to show her desire except her words. I do not know if she was willing or not to transfer the bonds though she expressed the desire that the bonds should be transferred. We wanted to build a chattram in the compound of Muninanjappa's bungalow. There was no correspondence between the trustees in regard to this matter. We have not maintained any proceedings of the meeting of the trustees. About Rs. 2,000 worth of bonds, the numbers of which were not known, are referred to in the Will. We did not attempt to collect that sum from the Government of India.

After the Will was read out to Muninanjappa, the latter proposed certain alterations which were incorporated in the Will at the instance of A5. These are Ex. P. 157(a) to P. 157(d). The wording in these lines were that of A5. I do not remember what Muninanjappa told A5 then. I cannot say why the wordings of Muninanjappa were not put in these and why my attestation was not taken for these corrections. The Will was stitched in the presence of Muninanjappa by some one. Muninanjappa gave the Will to A5 and it was sealed in my presence, by some one. There was no talk about the Will when the endorsements were made on the bonds. I was then aware that the previous day these bonds had been allotted for charity.

I cannot say why the bonds were not transferred to the name of all the three trustees. The deceased told Gurumurthi to transfer the bonds to A1.

Re-examination.—Under instructions of Muninanjappa, A5 dictated the Will. I did not get any reply from Laxmamma to my notice. Some years back, I had purchased a land jointly with Muninanjappa, a land in Akkithimmanahalli. I am a bachelor. I have a share in my family property.

By First Assessor.

We signed the Will after it was read out to Muninanjappa.

Cross-examination by P. P.—There is a decree against me for Rs. 48,000. I cannot say if still Rs. 20,000 has to be paid by me after execution proceedings were taken.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge.
31-7-40.

Cross-examination with permission.—

I see the pronote Ex. P. 254. This contains my signature in two places, one on the stamp and one on the reverse.

Re-examination.—The debt due on this note has been discharged.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge
31-7-40.

Deposition of Hoskote Nanjundappa (D. W. 3)

Father's name—Erappa.
Age—75 years.
Caste—Kurubar.
Residence—Ulsoor, Bangalore Cantt.

Duly Sworn.
31-7-40.

I had not gone to a Court of Law before to give evidence. I knew the deceased Muninanjappa from his childhood. I used to go to his house now and then. I

knew he was ill before his death. I used to make enquiries about his health. I know he made a Will which I have attested at his request. He made the Will on 5th January 1935, three days before his death. I have attested the Will, Ex. P (157). This is the Will executed by Muninanjappa.

5 Muninanjappa's state of mind was good when he made the Will. He himself requested me to attest it. A5 read out the Will. Muninanjappa then said that it was alright.

Laxmamma, Gurumurthi, Pilliah, A1, Vaidya, one Mudaliar and D. W. 2 and myself, were present when Muninanjappa signed the Will. Laxmamma did not 10 object to the Will but she affixed her thumb mark to the Will. Four members of the household and four outsiders attested the Will as desired by Muninanjappa. Muninanjappa put his thumb mark to the Will. Gurumurthi helped him to do so.

During his illness, Muninanjappa, went out only once and that was to Ramaswami Reddi's garden. He went there in a car for airing as his limbs were swollen.

15 *Cross-examination by P. P.*—I have not noted the date of the Will. I am not literate. After I attested the Will I saw the Will again only to-day. I cannot say at what time of the day the Will was written as it was five years back it was written. For three months before his death, Muninanjappa had swollen limbs. I accompanied Muninanjappa when he went to Ramaswami Reddi's garden. He had gone 20 there five, six, seven or eight days before his death. I was not sent for at the time the Will was written. Muninanjappa did not use the words "all right". He was talking in Telugu. Muninanjappa told me that a Will had to be written as his health was not good. I was present when the Will was written. It was got written by Muninanjappa. I cannot say to whom he gave instructions to write the Will. 25 He said in Telugu what the Will should contain. I did not see if anyone noted it on any paper. I am not literate. The Will may have been written in Telugu

Re-examination.—I had seen A5 then. He and Muninanjappa were talking occasionally whenever I went to Muninanjappa's house. Whenever they were talking I was not interfering as they were big men.

30 I saw A5 in Muninanjappa's house on the date of Will till 12 NOON and he came there again at 5 P.M. that day.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge,
35 31-7-40.

Cross-examination with permission.—I cannot now say whether the Will was written in Telugu as I am not literate.

Cross-examination.—I was in Muninanjappa's house the whole day on the date of the Will as he had asked me to stay there.

40 Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge,
31-7-40.

Deposition of Balakrishna Mudaliar (D. W. 4).

45 Father's name—Adimoola Mudaliar.
Age—75 years.
Caste—Mudaliar.
Residence—St. Thomas Mount, Madras.

Duly Sworn.
Dated 31-7-40.

50 I was employed in the High Court at Madras till 1908. Afterwards my services were transferred to the Cantonment at St. Thomas Mount and Pallavaram. I was residing in the C. & M. Station, Bangalore, from 1931 to 1938. I was residing in 22, Cambridge Road as a tenant of Muninanjappa Reddi. I knew him well.

I was living in one of the out-houses of his Bungalow. I am aware that Muninanjappa has made a Will. I have attested it. Ex. P.157 is this Will which I have attested by my signature. Muninanjappa was of sound mind when he executed the Will. The Will was read out before he signed it.

Cross-examination.—He was of sound health when he executed the Will. I offered to pay him rent but he asked me to live free in his out-house. I was examined once before in the District Court, Bangalore, in connection with this Will. I have stated there that I was not there till the Will was fully read out and that I was not there when Muninanjappa affixed his thumb mark to the Will. That is a true statement I have made. I do not know Kanarese. At the time the Will was read out an objection was raised by Muninanjappa and then there was a discussion between him and A5. Then I went out.

Re-examination.—Muninanjappa died three or four days after he executed the Will. He died of dropsy. He was ill for two months before his death. On the date of the Will he was suffering from the disease. He was conscious and was able to discuss the terms of the Will and so I say he was of sound health. Muninanjappa asked me to attest the Will. After ascertaining from him that he had signed it, I attested it. I went out then for half an hour or three-fourths of an hour and came back to attest the Will.

Cross-examination with permission.—As regards Muninanjappa's mind, I said it was sound. As regards his health, it was not sound. A5 had discussion with Muninanjappa with regards to properties given to Gurumurthi and Laxmamma. I do not remember what portion of the Will was being read out when I went out. This took place five years ago. I have stated in the District Court that I did not remember the contents of the Will read out until I went out. I did not see then any documents relating to the properties of the deceased.

Read over and admitted to be correct.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge,
31-7-40.

Deposition of Kenchappa, D. W. 5.
Father's name—Nanjundappa.
Age—34 years.
Caste—Kurubar.
Occupation—Contractor.
Residence—Ulsoor, Bangalore Cantt.

Duly Sworn.
Dated 31st July 1940.

I knew Muninanjappa before his death. He was ill before his death on the 1st January before Muninanjappa's death. I, A1, Gurumurthi, Venkatasamappa and Muninanjappa went in a car to Mr. Murphy's house as Muninanjappa wanted to give presents to Mr. Murphy. After giving presents, we came back. Mr. Murphy shook hands with Muninanjappa who was in the car. Muninanjappa did not get down the car as he could not walk. Mr. Murphy asked Muninanjappa in Urdu why he came when he was sick.

Cross-examination.—I was visiting Muninanjappa. D. W. 3 Nanjundappa is my father. At the time of Mr. Muninanjappa's visit to Mr. Murphy, the former had no contract under the latter. A1 was then doing contract work. I know Urdu. Muninanjappa was lifted and put into the car in his house.

Re-examination.—Nil.

R. O. I. A. C.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge.

Deposition of Mr. S. Srinivasa Raghavan, D. W. 6.

Father's name—Mr. K. Ramaswamy Iyengar.
Age—43 years.
Caste—Brahmin.
5 Occupation—Superintendent, Loan Section, Bank of Mysore, Limited, Bangalore City.
Residence—Bangalore City.

Duly Sworn.
Dated 31st July 1940.

10 I am the Superintendent of the Loan Department in the Bank of Mysore. A5 was appearing for the Mysore Bank in Courts in March 1940. On 2-3-1940 there was a case of the Bank before the Additional District Judge, Bangalore City, in regard to Kaiser-i-Hind Mills under liquidation now. Rupees 6 lakhs were involved in that case on that day. I attended the Additional District Judge's Court that 15 day from 11 A.M. to 2-30 P.M. in connection with the Bank case. A5 represented the Bank in that case. Arguments commenced at 11-40 A.M. Mr. Shankar Rao, finished his arguments by 12-40 P.M. Then A5 started his arguments and continued till 2-15 or 2-30 P.M. I was examined as witness in that case before arguments started. After the case was concluded, I and A5 left the Court Hall together. A5 20 went in the corridor somewhere. A5 came to the Bank that day at 5-40 P.M. and stayed there till 6 P.M. A5 came to the Additional District Judge's Court Hall at 11-45 A.M. and remained there continuously till -30 P.M.

Cross-examination.—The time given by me is approximate. There may be a difference of 15 minutes on either side. A5 was not there when the Bank case 25 commenced. Mr. Shankar Rao started the case. I was concerned in watching the case. I cannot say whether A5 met anyone between 11-45 A.M. and 2-30 P.M. that day. I am associated with the Bank since 1921. I have worked in several departments of the Bank. The rates of interest may vary in exceptional cases according to the discretion of the Manager. Bank keeps regular accounts of 30 stationery articles. I am not aware if the Bank makes a note of articles and stationery purchased anywhere. I am not dealing with it.

Q—.Is there any possibility of any item of expenditure spent on stationery escaping the account books ?

A.—I cannot answer this question as I am not dealing with that branch of 35 work. The books of the Bank are kept in the regular course of business. There is a special clerk dealing with the stationery articles. He may be able to give information on those matters. I have not seen the finger impression cards in the Bank. I have seen specimen signature cards. They are intended for comparison, when payment is demanded by constituents from the Bank. I had no 40 occasion to come across finger impression cases. I am not aware of the practice of the Bank in regard to them. The thumb impressions of contractors in the bill are passed by the Bank. I am not aware how they are passed. I cannot say if without the specimen signature cards, accounts can be opened, as I am working in a different department. I have worked only in bills department. I have dealt 45 with Ledgers in current accounts for six months. For every current account we must have a card. The Ledger-keeper keeps the specimen signature cards. Beyond the practice in my departments I do not know the practice in other departments of the Bank. Anything relating to the loan comes to me. I cannot say whether every letter received in the Bank is registered as I am not dealing 50 with them. The letters that come to me are numbered in a different department by the Manager or Assistant Manager. Few confidential letters are not numbered. The rest are numbered. What is confidential depends upon the circumstances of the case. The Manager or Assistant Manager decides the nature of the letter. The parties themselves mark the letter as confidential and it continues to be such. 55 Such letters may or may not have any initials of the Manager or his Assistant Manager. Every confidential letter will be registered though not numbered. This will be registered in the correspondence book. I see Ex. P. 77. I cannot say whether it is registered in any register. (Mr. G. S. . says there the witness may be asked to go and verify in the Bank whether this exhibit has been 60 registered. This is not necessary; neither is it relevent for this case.) I see Ex.

P. 76. There is nothing to indicate that it has been received in the Bank. Ex. P. 76, in my opinion, has the characteristic of W, confidential document. We both take legal opinions orally and in writing according to the circumstances of each case. If oral opinion is wanted heads of department in the Bank can take it. Only Manager and Assistant Manager hold power-of-attorney in the Bank. 5

Re-examination.—To the best of my knowledge, A5 did not leave the court till 2-15 or 2-30 P.M.

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge, 10
31-7-1940.

Deposition of Mr. P. Mohamed Ebrahim, D. W. 7.

Father's name—Badruddin.
Age—45 years.
Caste—Muslim. 15
Occupation—Iron Merchant.
Residence—Bangalore City.

Duly Sworn.
Dated 31st July 1940.

I am a trader in the Godown Street by the side of the Avenue Road. I am 20 doing big business in Iron materials. I know A5, Venkataranga Iyengar. He was my Advocate on 2nd March 1940. I had a case in the Additional Sub-Judge's Court. That case went on that day. A5 appeared for me in that case and conducted it. It went on from 3-10 P.M. to 4 P.M. that day. I do not know where A5 went afterwards. That morning I had seen A5. I had gone with A5 on the 25 morning of 2nd March 1940 in a taxi. I do not know the driver of that taxi. I, Guruswami Naidu and A5, drove in the taxi that day. On our way that morning we did not go near the Ananda Bhavan Hotel at all. It is false to say that we stopped the taxi near Ananda Bhavan. I went to the court that day at 11-30 A.M. I saw A5 in the District Court that day again at 12-30 P.M. The Bank case was 30 going on there. He left that court at 2-30 P.M. that day.

Cross-examination.—I engaged the taxi to take A5 to Mr. N. G. Krishna Iyengar's house which is in Basavangudi. It was then 9-30 A.M. A5 still is in Chickpet. We went to Mr. N. G. Krishna Iyengar's house. Mr. N. G. Krishna Iyengar was not at home. We were told there he had gone to see a land near 35 Paul Chinnappa's School in Visveswarapuram. We went there and saw Mr. N. G. Krishna Iyengar. We talked to him for 10 minutes and then went to A5's office. I left him there. Ananda Bhavan Hotel is in Chickpet. The police examined me. The Police showed me a driver of the taxi. I have written in the accounts the payments there to the taxi. The Police examined my account books. 40

Re-examination.—A5's office is one furlong from Ananda Bhavan Hotel.

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge,
31-7-1940. 45

Deposition of Gurusami Naidu, D. W. 8.

Father's name—Veerasami Naidu.
Age—56 years.
Caste—Naidu Balija.
Occupation—Contractor. 50
Residence—Chamarajpet, Bangalore City.

Duly Sworn.
31st July 1940.

I know D. W. 7, Md. Ibrahim and A5 on the morning of 2nd March 1940. and D. W. 7 drove with A5 in a taxi car. We went to Mr. N. G. Krishna- 55 'engar's house and from there we came to A5's office and left A5 there. I went

home then on that day. I was a witness in Mr. Khalak's Land Acquisition Case before the Additional Sub-Judge. The taxi did not stand at all that morning near Anandabhavan Hotel. If anybody said that the taxi stood near that hotel and that A5 talked to some one it is absurd. I saw A5 that NOON in the Additional District Court at 1 P.M. After A5 left the Additional District Court he went to Civil & Military Station and return at about 3-14 P.M. to the Additional Sub-Court. Khalak and D.W. 7 have married sisters.

Cross-examination.—I was a witness for Mr. Khalak's that day. Mr. Khalak's case was heard that day. Mr. N. G. K. Iyengar was also a witness in that case. I have no dealings with D. W. 7. I did not go to Civil & Military Station. A 5 said that he had a case of one Dasappa there and that he would get it adjourned.

Re-Examination.—Nil.

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge,
31-7-40.

Deposition of Dasappa, D. W. 9.

Father's name—Muniyappa.
Age—62 years.
Caste—Gollar.
Occupation—Contractor.
Residence—Yellegowdanapalya, Bangalore Cantt.

Duly Sworn.
31st July 1940.

I am a contractor. I had a case before the Additional Munsiff, Civil & Military Station on 2nd March 1940. A5 was my lawyer in that case. It was adjourned to 6th March 1940. I and A5 went from this court building to the Additional Munsiff's Court, Civil & Military Station. A5 went inside the Court and returned saying that the case had been adjourned. It was then 3 or 3-30 P.M.

Cross-Examination.—It was settled that my case should be heard at 2-30 P.M. that day on the previous date of hearing 5 or 6 days earlier. I took A5 to conduct the case.

Re-Examination.—The case had been posted for evidence that day.

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge,
31-7-40.

Deposition of Mr. Abdul Hussain Shariff, D. W. 10.

Fathers name—Mohamed Sayud Shariff.
Age—47 years.
Caste—Muslim.
Occupation—Supt., Central Jail, Bangalore.
Residence—Bangalore City.

Duly Sworn.
1st August 40.

I am the Superintendent of the Central Jail, Bangalore, from 19th October 1939. The accused are under my charge from March 1940 as under trial prisoners. Mr. Wynne and Mr. V. V. Naik visited the jail on 16th, 19th, 26th March as I can see from the Visitors Book, Exhibit D 29. There was an incident in the jail just previous to their visits and I had submitted a report to the Government as there was an allegation against me that I had expelled a Police Sub-Inspector from the jail. In this connection I had telephoned to Mr. Wynne to come and meet me in

the jail. I do not remember the date on which I showed to him. This was previous to his first visit. On the first day he visited the jail, Mr. Wynne interviewed A1, Narayanareddy, in my presence. During his second or third visit he interviewed Ponnambalam. On one occasion I was not present when he visited the jail. A5 complained to me that the police officers were coming to the jail and that he suspected the object of their visit and that there was a rule that police officers should not interview prisoners in the jail. I do not know if Ponnambalam was remanded from the Central Jail after this complaint of A5. I had not phoned Mr. V. V. Naik to meet me. I do not know the object with which Mr. V. V. Naik accompanied Mr. Wynne on all the three visits. I see sub-rule 3 of Rule 23 Chapter III of the Jail Manual. There was no puestion of this rule coming into effect with regard to the two visits in which I was present. Literally this rule was not observed on the occasion of the two visits by Mr. Wynne.

Cross-examination by P. P.—When Mr. Wynne interviewed A1. A1 complained to me and to Mr. Wynne that the home diet was not allowed to him. That Sub-Inspector referred to above had something to do with Mr. V. V. Naik. I am the Superintendent of the Central Jail and Messrs V. V. Naik and Wynne were D. S. P's.

Re-examination.—Several persons interviewed A5 also according to rules.

Re-examination.—Nil

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge.
1-8-40.

Deposition of Venkatappa, D. W. 11.

Father's name—Nanjappa.
Age—39 years.
Caste—Vokkaligar.
Occupation—Contractor.
Residence—Basavangudi, Bangalore City.

Duly Sworn.
1-8-40.

I know A5. He was my Advocate on 3rd March 1940. I had gone to A5 to get an appeal memo drafted for filing an appeal in the High Court. I went to A5 that day at about 7 A.M. He was then putting on his clothes. I told him to draft the appeal memo. He said he would so, and went out to Mr. C. V. Narasimhiengar's house. I also followed him. A5 stayed there for ¾ hour. I was sitting outside. A5 went inside and talked something. Afterwards Anantharaju, Narasaraju, who were in Mr. C. V. Narasimhiengar's house came with A5. We then went back to A5's house with A5. A5's house is about ¾ furlong from Mr. C. V. Narasimhiengar's house. A5 drafted my appeal memo. I was with A5 till 11 A.M. He took one hour to note my appeal memo from 7 to 11 A.M. that day I was with him. A5 did not go anywhere else within that period.

Cross-examination by P. P.—As the time for appeal was only till 4th March 1940. I know they remember the date of drafting of the appeal memo. A5 did not file the appeal on 4th March 1940. His junior lawyer filed the appeal that day. I did not see A5 after 3rd March 1940. I gave the vakalat to A5 on 4th March 1940. A5 drafted the appeal memo with his own hand. It was typed the next morning. The draft was not given to my hand. I do not know where the draft memo was typed. His junior had it ready when I went to A5's office the next day (4th March 1940) my brother's son signed the appeal memo and vakalat. The appeal was by my nephew and not by me. I had also a case of mine. I did not prefer any appeal in my case. My case was with another lawyer and not with A5.

Re-examination.—A5's junior is Mr. Vedanta Iyengar. I did not see A5 on 4th March 1940 at any time of the day. Neither I nor my nephew gave vakalat to A5 on 4th March 1940.

R. O. A. C.

5 (Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge.
-8-40.

Cross-examination with permission:—As my nephew was young and only 19 years, on his behalf I got the appeal file at my expenses. I was one of the defen-
10 dants in which that appeal arose. That was a partition suit.

R. O. A. C.

(Sd.) A. SUNDARARAJA RAO,
Additional Sessions Judge.
1-8-40.

PART III.

IN THE HIGH COURT OF MYSORE
AT BANGALORE.

Criminal Appeals Nos. 19 to 21 of 1940-41.
Criminal Referred Case No. 1 of 1940-41.

Appellants.

K. M. Narayana Reddy--Accused 1.
(Appellant in Cr. A. No. 19 of 1940-41.)

Muniga—Accused 2.
(Appellant in Cr. A. No. 20 of 1940-41.)

Rama—Accused 3.
(Appellant in Cr. A. No. 21 of 1940-41.)

TABLE OF CONTENTS.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CRIMINAL APPEALS NOS. 19 TO 21 OF 1940-41.

		PAGES
1	Charge	1
2	Opening Proceedings	2
3	Order-sheet with enclosures	3–21
4	First Information Reports with enclosures	21–35
5	Examination and Defence of Accused, dated 30th July 1940	36–42
5(*a*)	Examination of Accused, dated 1st July 1940	42–44
6	EXHIBITS FOR PROSECUTION :—	
	P1 Plan prepared by P. W. 1	
	P2 Another plan prepared by P. W. 1	
	P2 (*a*) A portion marked in Exhibit P2	
	P3 Plan prepared by P. W. 2	
	P4 Another plan prepared by P. W. 2	
	P5 Plan prepared by P. W. 3	
	P6 Plan prepared by P. W. 4	
	P7 Report of P. C. Sheik Mohadeen to the Sub-Inspector, Dodballapur	45
	P8 to P16 Nine paying-in receipts of the Mysore Bank, *re* deposits made by late K. Muninanjappa	45–48
	P8 (*a*) Signature of Gurumurthy in Exhibit P8	45
	P17 to P25 Nine Fixed Deposit Receipts amounting in all to Rs. 85,000 deposited by K. Muninanjappa in the Mysore Bank, Bangalore	48–53
	P26 Specimen signature card of the Mysore Bank containing the thumb impressions affixed to Exhibit P26	
	P26 (*a*) Two thumb impressions of K. Muninanjappa	*
	P26 (*b*) Two finger prints of Lakshmamma (L. T. marks) affixed to Exhibit P26	
	P27 Letter, dated 28th May 1935, from A1 to the Mysore Bank	54
	P28 Copy of letter, dated 30th May 1935, from the Mysore Bank to Mr. B. Vasudeva Murthy, Advocate	54
	P29 Letter, dated 2nd June 1935, from Mr. B. Vasudeva Murthy to the Mysore Bank	55
	P29 (*a*) A note in Exhibit P29	55
	P30 Letter, dated 2nd June 1935, from Mr. Vasudeva Murthy to A1 through the Mysore Bank ...	
	P30(*a*) A note in Exhibit P30	55
	P31 Letter, dated 17th June 1935, from Lakshmamma to the Bank of Mysore	56

EXHIBITS FOR PROSECUTION—*contd.* PAGES

P32 Letter (copy), dated 21st June 1935, addressed to Mr. B. Vasudeva Murthy by the Mysore Bank 56

P33 Letter, dated 6th July 1935, from Mr. B. Vasudeva Murthy to the Bank of Mysore 57

P34 Letter, dated 9th July 1935, from Lakshmamma to the Mysore Bank 57

P35 Letter, dated 10th July 1935, from the Mysore Bank to Lakshmamma 58

P36 Letter, dated 5th November 1935, from A5 to the Mysore Bank 58–59

P37 Letter, dated 9th November 1935, from Mr. B. Vasudeva Murthy to the Bank of Mysore 59

P38 Draft copy of letter, dated 11th November 1935, from Mr. B. Vasudeva Murthy to the Mysore Bank meant for A5 60

P38 (*a*) A portion in Exhibit P38 60

P39 Letter, dated 20th November 1935, from Lakshmamma to the Bank of Mysore 61

P40 Copy of letter, dated 20th November 1935, from the Mysore Bank to Lakshmamma 61

P41 Prohibitory Order in Mis. 67 of 1935-36, from the District Court served on the Mysore Bank, dated 18th November 1935 62

P42 Letter, dated 30th April 1936, addressed by the Bank to Lakshmamma 62

P43 Letter, dated 12th August 1936, from Sharadamma to the Mysore Bank 63

P44 Letter, dated 12th August 1936, from Lakshmamma to the Bank of Mysore 63

P45 Letter, dated 15th August 1936, from the Mysore Bank to Sharadamma 64

P46 Letter, dated 13th November 1937, from Mr. M. P. Somasekhara Rao to the Mysore Bank 64

P47 Letter, dated 13th November 1937, from the Mysore Bank to the District Judge, Bangalore 64–65

P48 & P49 Two letters, dated 20th July 1938 and 21st July 1938, from the Mysore Bank to Lakshmamma 65

P50 Letter, dated 5th April 1938, from the District Judge, Bangalore, to the Mysore Bank 66

P51 Letter, dated 4th July 1938, from Lakshmamma to the Mysore Bank 66

P52 Letter, dated 13—14th July 1938, from the District Judge, Bangalore, to the Mysore Bank 67

P53 Letter, dated 15th July 1938, from Lakshmamma to the Mysore Bank, enclosing a certified copy 67–68

P54 Letter, dated 15th July 1938, from Lakshmamma to the Mysore Bank 68

P54 (*a*) A portion marked in Exhibit P54 68

P55 Letter, dated 19th July 1938, from Lakshmamma to the Mysore Bank 69

P56 Letter, dated 27—28th September 1938, from the District Judge's Court, Bangalore, to the Mysore Bank 69

P57 Letter, dated 28th September 1938, from the Mysore Bank to the District Court, Bangalore 69

P58 Letter, dated 2nd—3rd December 1938, from the District Court, Bangalore, to the Mysore Bank, with a certified copy 70

EXHIBITS FOR PROSECUTION—*contd.* PAGES

P59 Letter, dated 18th December 1939, from Lakshmamma to the Mysore Bank, with a certified copy 71

P59 (*a*) Certified copy of High Court order attached to Exhibit P59. 72–73

P60 Letter, dated 18th December 1939, from Sharadamma to the Mysore Bank with a certified copy 73

P60 (*a*) Certified copy of High Court order attached to Exhibit P60. 74

P61 Letter, dated 21st December 1939, from Lakshmamma and Sharadamma to the Mysore Bank 75

P62 & 63 Two letters, dated 21st December 1939, from the Mysore Bank to Lakshmamma and Sharadamma, 23rd December 1939 75–76

P64 & 65 Two telegrams sent by Lakshmamma to the Mysore Bank and the Chairman of the Bank .. 76–77

P66 Letter, dated 22nd December 1939, from Lakshmamma and Sharadamma to the Mysore Bank 77

P67 Letter, dated 22nd December 1939, from Lakshmamma and Sharadamma to the Mysore Bank 78

P68 Copy of letter, dated 23rd December 1939, from the Mysore Bank to Lakshmamma and Sharadamma 78–79

P69 Notice, dated 23rd December 1939, from late Mr. M. Krishnamurthy sent to the Mysore Bank 79–80

P70 Letter, dated 23rd December 1939, from the Mysore Bank to Mr. M. Krishnamurthy 80

P71 Letter, dated 24th December 1939, from Mr. M. Krishnamurthy to the Mysore Bank 80

P72 Letter, dated 26th December 1939, from Lakshmamma and Sharadamma to the Mysore Bank 81

P73 Letter, dated 2nd January 1940, from the District Court, Bangalore, to the Mysore Bank 81–82

P74 Letter, dated 3rd January 1940, from the Mysore Bank to the District Court, Bangalore 82

P75 Letter, dated 3rd January 1940, from the Mysore Bank to Lakshmamma and Sharadamma 82

P76 Letter, dated 2nd January 1940, from A5 to Mysore Bank.... 82

P77 Copy of a Will (in Kannada) said to have been executed by Muninanjappa produced in the Bank and on to the Court.... } 83–85

P77(*a*) A portion written by P. W. 25 .... }

P78 Report sent by P. W. 23 V. Venkatesiah, dated 4th March 1940, to the Police Inspector, " C " Division, Bangalore 85

P79 Rules of Business of the Bank of Mysore (printed) 85

P80 Letter, dated 23rd September 1935, from A5 to A1, *re* the copy of a Will sent 86

P80(*a*) Portion marked in Exhibit P80 86

P81 Letter, dated 18th July 1938, from the Mysore Bank to the District Court, Bangalore (copy) 86

P82 Letter, dated 29th April 1936, from Lakshmamma to the Mysore Bank, Bangalore 86–87

P82(*a*) Signature of M. Krishnamurthy in Exhibit P82 87

P83 Letter, dated 24th July 1935, from late Mr. Suryaprakash to A1 Narayana Reddy 87

P83(*a*) Postal acknowledgment, acknowledged by A1, on 25th July 1935 87

P84 Letter, dated 29th July 1935, from A1 to late Mr. Suryaprakash 88

EXHIBITS FOR PROSECUTION—*contd.* PAGES

P85 Letter, dated 23rd August 1935, from late Mr. Suryaprakash to A1 88-89

P86 Letter, dated 12th August 1935, from late Mr. Suryaprakash to A1 89

P87 Letter, dated 27th August 1935, from late Mr. Suryaprakash to Narayana Reddy and another 89-90

P88 Letter, dated 30th November 1935, from late Mr. Suryaprakash to A1 90

P89 Letter, dated 1st October 1935, from A1 to Lakshmamma ... 90-91

P90 Letter, dated 4th January 1936, to Mr. C. N. Suryaprakash 91-92

P91 Letter, dated 22nd October 1935, from A5 to Suryaprakash ... 93

P92 Letter, dated 17th July (No. 109 in the D. C.) from Mr. Suryaprakash to A5 93

P92(*a*) Postal acknowledgment of Exhibit P92 signed by A5 93

P93, P94 } Two postal acknowledgments signed by A5 94

P95 Book of letters, etc., despatched—produced by P. W. 30 94

P95(*a*) Portions marked in page 22 of Exhibit P95 94

P96 Eighteen Government of India Treasury Bonds worth Rs. 30,000 94

P96(1 to 18) Writing (endorsements) on the 18 bonds written by Gurumurthy 94-99

P97 Confession statement of Ponnambalam P. W. 33, recorded by S. D. O. and *Ex-Officio* First Class Magistrate, Bangalore Sub-Division, Bangalore 99-102

P98 Petrol indent chit No. 1660, dated 2nd March 1940, of V. T. Padmanabhan's bunk 102

P99 Petrol indent chit No. 1064, dated 3rd March 1940, of V. T. Padmanabhan's bunk 102

P98(*a*) Counterfoil of P98 (an indent book) 102

P99(*a*) Counterfoil of P99 (an indent book) 103

P100 Post-mortem certificate issued by P. W. 35 and countersigned by the D. M. O., Bangalore District 103-105

P101 A paper containing the sample seal of M. O. 13 of Mr. G. A. Tustin, and his signature 105

P102 Pronote, dated 25th May 1933, executed by A5 and P. Krishniah in favour of late K. Muninanjappa on 25th May 1933 105

P103 Driving license of Ponnambalam P. W. 33 (of Bangalore Cantonment) .... *

P104 Sale book of petrol of Webb's Petrol Service, South Parade .... *

P104(*a*) Entry of sale of one gallon of Petrol on 2nd March 1940 to M. O. 4 105

P104(*b*) Entry of sale of petrol, next to Exhibit P104 (*a*) sold to the master of P. W. 41 105

P105 Book relating to the account of customers of Webb's Petrol Service .... *

P105(*a*) Entry relating to the account of Petrol of Mr. Misri, P. W. 21. 105

P106 Book of accounts kept by P. W. 42 of Webb's Petrol Service .... *

P106(*a*) Entry relating to the sale of petrol to M. O. 14 (taxi) 106

P106(*b*) Entry relating to the sale of petrol by P. W. 43 to P. W. 33. 106

P106(c) Entry relating to the sale of petrol to A1 by P. W. 43 106

P107 Confession statement of A1 recorded by the City Magistrate, Bangalore, on 9th March 1940 106-108

EXHIBITS FOR PROSECUTION—*contd.*

P108 Warrant of attachment in Ex. 70/39-40 of District Judge's Court, Bangalore 108–109

P108(*a*) Endorsement of the Amin on Ex. P108 109

P108(*b*) Endorsement of D. Hr.'s advocate on Ex. P108 108

P108(c) Endorsement on P108 made by Amin P. W. 62 108

P109 Order sheet (3 sheets) in O. S. No. 10/39-40 of Additional District Judge's Court, Bangalore 109–110

P110 Application for probate filed in O. S. 10/39-40 of Additional District Court, Bangalore 110–111

P110(*a*) Annexure to Ex. P110 111–112

P111 Objection petition filed by Mr. M. K. Murty (late,) Advocate in O. S. 10/39-40 for opponent Lakshmamma 113–115

P112 Application by Mr. H. S. Narasiah, Advocate, dated 17th July 1939 for marking the Will 115

P113 Witness list filed by the opponent's counsel on 25th January 1940 in O. S. 10/39-40 116

P114 Witness list, dated 10th February 1940 filed by the plaintiff's counsel in O. S. 10/39-40 117

P115 Witness list, dated 18th December 1939 117–118

P116 Fee Certificate by Mr. M. K. Murthy, on 14th February 1940 in O. S. 10/39-40 118

P117 Issues in O. S. 10/39-40 118

P118 Order sheet in Mis. 67/35-36 of Additional District Judge's Court, Bangalore 119–136

P118(*a*) Order, dated 29th August 1938 on the order sheet in Mis. 67/35-36 of the District Court, Bangalore 137

P119 Petition filed in Mis. 67/35-36, dated 16th November 1935 by A5 for A1 137–138

P119(*a*) A portion marked in Ex. 119 Copy of the Will filed 138

P120 Objection filed in Mis. 67/35-36 by late Mr. M. K. Murthy 139–140

P121 Application, dated 19th March 1936 filed by Mr. M. K. Murthy in Mis. 67/35-36 140

P121(a) Affidavit attached to Ex. P120 141–142

P122 Another application, dated 11th August 1936 in Mis. 67/35-36. 142–143

P123 Reply application, dated 15th August 1936 in Mis. 67/35-36 filed by A5 for A1 143

P124 Application filed by Mr. M. K. Murthy on 1st November 1937 in Mis 67 of 1935-36 143–144

P125 Application filed by Mr. M. K. Murthy, dated 27th January 1938 144–145

P126 Application filed by Mr. M. K. Murthy, dated 17th May 1938 145–146

P127 Application filed by Mr. M. K. Murthy, dated 30th July 1938. 146–148

P128 Application filed by Mr. M. K. Murthy, dated 8th August 1938.
P128 (*a*) Affidavit in Kannada attached to Ext. P128 .... } 148-149

P129 Affidavit, dated 21st October 1938 by the opponent in the case (Mis. 67 of 1935-36) 150–151

P130 Application, dated 22nd November 1938 by the opponent in the case (Mis. 67 of 1935-36) 151–152

P131 Application, dated 29th November 1938 by the opponent in the case (Mis. 67 of 1935-36) 153–154

P132 The Plaint in O. S. 11 of 1937-38 of the Additional District Judge's Court, Bangalore 154–156

P133 The Order Sheet in O. S. 11 of 1937-38 157–167

P134 The first objection petition, dated 1st November 1937 in O. S. 11 of 1937-38 168–169
P135 Issues, dated 4th April 1939 in O. S. 11 of 1937-38 169–170
P136 Statement of objection, dated 1st November 1937 filed by Mr. M. K. Murthy 170–171
P137 Application, dated 30th July 1938 in O. S. 11 of 1937-38 171
P137 (*a*) Affidavit attached to Ext. P137 171–173
P138 Petition, dated 13th June 1939 filed by the Counsel for Lakshmamma in O. S. 11 of 1937-38 173–174
P139 Objection application, dated 1st July 1939 (Mis. 67 of 1935-36) 174–175
P140 Application with an affidavit filed on 12th July 1939 by A5 for A1 (Mis. 67 of 1935-36) .. 175
P140 (*a*) Affidavit attached to Ex. P140 (Mis. 67 of 1935-36) 175–176
P141 Application filed by Mr. M. K. Murthy on 2nd January 1940 (Mis. 67 of 1935-36) 176–177
P142 Deposition of A1 in O. S. 11 of 1937-38 177–185
P143 List of documents filed by Mr. G. K. Raghavendra Rao (Counsel) for Mr. M. K. Murthy in O. S. 11 of 1937-38 185–186
P143 (1 to 17) Seventeen documents filed along with Ext. P143 in O. S. 11 of 1937-38 by P. W. 83 186–193
P144 Another witness list, dated 16th June 1939 filed by Mr. M. K. Murthy in O. S. 11 of 1937-38 193–194
P145 Witness list, dated 24th June 1939 filed by the plaintiff (A1).... 194
P146 Order of High Court, dated 15th December 1939 received in O. S. 11 of 1937-38 195
P147 Letter, dated 26th February 1940 received from the District Court, Civil and Military Station, Bangalore, for sending the Will.... 196
P148 Order sheets in Mis. 191 of 1938-39 .... 196 198
P149 Petition filed by Lakshmamma on 5th April 1939 in Mis. 191 of 1938-39 198–199
P149 (*a*) Signature of Mr. M. K. Murthy on Exhibit P19 in Mis. 191 of 1938-39 of District Court 199
P150 Written statement filed by A5 in Mis. 191 of 1938-39 200–201
P150 (*a*) Paragraph 'C' in Exhibit P150 marked (Mis. 191 of 1938-39) 200
P150 (*b*) Signature of A5 201
P151 Reply statement filed by Mr. M. K. Murthy in Mis. 191 of 1938-39 202–203
P152 Order Sheet in Mis. 180 of 1938-39 203–205
P153 Application in Mis. 180 of 1938-39 205–206
P154 Application in Exhibit 70 of 1939–40 of the District Court, Bangalore 206–207
P155 Order sheet in Exhibit 70 of 1939-40 207–208
P156 Process Memo in Exhibit 70 of 1939-40, dated 12th December 1940 for attachment of A1's Car 208
P157 Will of late K. Muninanjappa said to have been executed on 5th January 1935 209–212
P157 (*a*) (*b*), (*c*) and (*d*) Interlineations and one scoring (in four places) made in the Will, Exhibit P157 ....
P157 (*e*) Portion marked at the end of Exhibit P157 (Will) ....
P157 (*f*) Portion written on the last sheet of Exhibit P157 209–212
P157 (*g*) Signature of Gurumurthy in Exhibit P157 ....
P157 (*h*) L.T. Mark of Lakshmamma affixed on Exhibit P157 (Will) in the last page

EXHIBITS FOR PROSECUTION—*contd.*

	PAGES
P158 Prescription given by Dr. Subba Rao, ... P158 (a) (P.W. 71) to late K. Muninanjappa, father of A1	212-213
P159 Statement recorded by the First Magistrate, Bangalore, on 16th March 1940 of K. V. Ramachandra Rao (P.W. 72)	213-214
P159 (*a*) Portion marked in Exhibit P159	214
P159 (*b*) Portion marked in Exhibit P159	213
P160 Handwriting, of P.W. 72, K. V. Ramachandra Rao taken before this Court.	
P161 Complete deposition of P. W. 72 in this Court which was given in the Committing Court as P. W. 60	214-215
P161 (*a*) Portion marked in the deposition of above in the Committing Court	214
P162 Certified copies of prescriptions entered in the book of P.W. 73.	215-216
P163 Copy of the prescription given by Lt. Col. J. B. Hance, I.M.S. to late K. Muninanjappa	216
P164 Affidavit filed by Mr. E. Ahobala Nath for Lakshmamma in O. S. 113/38 of Additional District Munsiff's Court, Bangalore Cantonment	217
P165 Written statement filed by Mr. Suryaprakash for Lakshmamma in O. S. 28/36 of District Munsiff's Court, Bangalore, dated 28th March 1936	217-218
P166 Letter of late Muninanjappa to the Bangalore Bank, Bangalore, for the transfer of some shares to the name of A1, dated 6th January 1935	218
P167 Share transfer application form signed by A1, dated 7th October 1937, presented in the Bangalore Bank, Ltd., Bangalore	218-218
P167 (*a*) Signature of one Sivaramakrishnan marked in Ext. P167.	
P168-177 Ten fixed deposit receipts of the Bangalore Bank for amounts deposited by late K. Muninanjappa	219-220
P178 Account Book of the Bangalore Bank for 1933-34	
P178 (*a*) to (*c*) Entries on pages 81, 280 and 469 in Exhibit P178	220
P179 Account book of the Bangalore Bank for 1934-35	
P179 (*a*) to (*d*) Entries on pages 76, 148, 149, 201 and 203 in Ext. P179	220-221
P180 Savings Bank Deposit Ledger of the Bangalore Bank for 1933-35	
P180 (*a*) Entry on page 10 of Ext. P180	221
P180 (*b*) Entry on page 32 ,, ...	221
P181 Cheque No. 48881 of the Bangalore Bank, Bangalore, for Rs. 400 drawn by A1 for A5	221
P182-184 Three letters to the Agent, Bangalore Bank, Bangalore, *re* transfer of S. B. account	221-222
P185 Share ledger of the Bangalore Bank	
P185 (*a*) Entry in page 141 of Ext. P185 relating to the parents of A1	222
P185 (*b*) Entry in page 197 of Ext. P185 relating to A1	222
P186 Fixed Deposit Ledger of the Bangalore Bank	
P186 (*a*) to (*k*) Entries on pages 91 to 94 marked in Exhibit P186,	232
P187 Certified copies of the affidavit and the application in O. S. No. 22/34 of the District Judge's Court, Bangalore Cantonment	223-224
P188 Prescription book of the Bangalore Pharmacy, Civil and Military Station, Bangalore	
P188 (*a*) Entry marked on page 349 (last entry) (Exhibits P188 and P188 (*a*))	225

EXHIBITS FOR PROSECUTION—*contd.* PAGES

P189 True copy of Exhibit P188 225

P190 Affidavit of P. W. 77 in G. S. 22 of 1934 of the District Judge's Court, Bangalore, sworn before P. W. 76 225

P191 Another affidavit of P. W. 77 in G. S. 22 of 1934 of the District Judge's Court, Bangalore, sworn before P. W. 76 226

P192 Day (Account, Book of the Travancore National and Quilon Bank, Ltd. (under liquidation) .... *

P192 (*a*) Entry made on page No. 96 in Exhibit P192, *re* payment of Rs. 500 to Mr. C. V. Narasimha Iyengar 226

P193 and P194 To receipts given by Mr. C. V. Narasimha Iyengar for having received Rs. 500 from P. W. 82 227

P195 Letter, dated 11th May 1940, from Mr. Goodwin of Madras to P. W. 82 Mr. Koshy 227

P196 Carbon copy of letter, dated 10th May 1940, from Mr. Koshy to Mr. Goodwin of Madras 228

P197 Carbon copy of letter, dated 14th May 1940, from Mr. Koshy to Mr. Goodwin of Madras 228–229

P198 Statement of accounts, dated 9th April 1940, signed by Mr. C. V. Narasimha Iyengar, handed over to Mr. Koshy P. W. 82 229–230

P198 (*a*) Entry of 2nd March 1940, in Expenditure column in page 198
P198 (*b*) Entry of 2nd March 1940, in Expenditure column in page 198 } 229–230

P198 (*c*) Entry, dated 6th February 1940, in Expenditure column in page 198 229

P199 Statement showing the receipts given to Mr. Koshy by Mr. C. V. Narasimha Iyengar without signature and date 230

P199 (*a*) The two entries (last ones), and ....
(*b*) marked in Exhibit 199 .... } 230

P200 Complaint given by P. W. 83 on 4th March 1940 to the Kengeri Gate Police Station 231

P201 Memorandum and Articles of Association of the Bangalore Bank .... *

P202 Twenty-four specimen cards of the Mysore Bank containing (1 to 24) the thumb impression of illiterate depositors ....

P203 Letter, dated 7th March 1940, from Mr. T. R. Venkatarama Sastry to Mr. D. V. Gundappa (P. W. 89) 231

P204 Statement filed on 24th July 1929 in C. P. 105 of 1938-39 on the file of the High Court, Bangalore, filed and signed by Mr. B. T. Ramaswamy 231–232

P205 Vakalat, dated 13th July 1939, in C. P. 105 of 38-39 of High Court signed by Mr. B. T. Ramaswamy (signature only) 232

P206 Proceedings of the Committee of Inspection of Travancore National and Quilon Bank, Ltd., Bangalore Cantonment, dated 12th July 1939 232–233

P207 Stamped receipt, dated 25th March 1940, given by Mr. T. R. Venkatarama Sastry of Madras for Rs. 400 in all to Mr. C. V. Narasimha Iyengar 233

P208 Letter, dated 12th March 1940, from Mr. T. R. Venkatarama Sastry of Madras to Mr. C. V. Narasimha Iyengar 233

P209 Letter, dated 3rd March 1940, from Mr. T. R. Venkatarama Sastry of Madras to Mr. C. V. Narasimha Iyengar 234

P210 Telegram, dated 3rd March 1940, from Mr. T. R. Venkatarama Sastry to Mr. C. V. Narasimha Iyengar 234

EXHIBITS FOR PROSECUTION—*contd.* PAGES

P211 Telegram, dated 3rd March 1940, from Mr. T. R. Venkatarama Sastry to Mr. C. V. Narasimha Iyengar 234

P212 Receipt, dated 10th January 1935, for Rs. 348-12-0 given by late Dr. Shankara Rao to K. M. Narayana Reddy (O. S. 11 of 37-38). 234–236

P213 List of account (sheet) prepared by late K. Muninanjappa ....

P214 List of account (sheet) prepared by A1 ....

P215 List of account (sheet) prepared by Gurumurthy, brother-in-law of A1 ....

P216 Account book of the estate of K. Muninanjappa mentioned by P. W. 92 ....

P217 Account book of the estate of K. Muninanjappa, maintained by him ....

P218 Order sheet in C. C. 1—39-40 on the file of the Special First Class Magistrate, Bangalore 235–240

P219 Magistrate's note in the deposition of P. W. 47 in C. C. 1—39-40 on the file of Special First Class Magistrate, Bangalore 240

P220 Letter, dated 18th April 1935, from A5 to Gurumurthy P.W. 98, filed in O. S. 11—37-38 of the District Court, Bangalore 241

P221 Deposition of the Imperial Serologist, Calcutta, received by the Chemical Examiner, Bangalore 241–242

P221 (*a*) Certificate of the Imperial Serologist, Calcutta, received by the Chemical Examiner, Bangalore 242

P221 (*b*) Another certificate of the Imperial Serologist, Calcutta, received by the Chemical Examiner, Bangalore 243

P222 Letter, dated 12th March 1940, from the 'A' Division Inspector to the C. S. P., Bangalore 243

P223 Letter, dated 16th March 1940, from the 'A' Division Inspector to the City Superintendent of Police, Bangalore 244

P224 Sample seals on a slip of paper of Mr. Narasimhiah, Police Inspector 244

P225 Letter, dated 12th March 1940, from the City Superintendent of Police to the Chemical Examiner, Bangalore 244–245

P226 Letter, dated 16th March 1940, from the City Superintendent of Police to the Chemical Examiner, Bangalore 245

P227, P228, P229 } Three certificates of the Chemical Examiner sent to the City Superintendent's Office 246–247

P230 Copy of the petition filed in O. S. No. 38 of 39-40 of the District and Sessions Court, Bangalore, filed by A1 on 6th July 1939 248–249

P231 Copy of the objection statement dated 20th November 1939 filed by the Opponents in O. S. No. 38 of 39 of Cantonment District Court 249–250

P232 Copy of the Will in English with the copy of the same in Kannada filed in O. S. No. 38 of 39 of the Cantonment District Court 250–254

P233 Copy of the statement dated 14th August 1939 filed by Lakshmamma in O. S. No. 38 of 39 of the Cantonment District Court 254–257

P234 Copy of the process memo dated 20th February 1940 filed by the counsel for summoning A5 in O. S. No. 38 of 39 257

P235 Copy of the witness list filed on 7th February 1940 in O. S. 38 of 39 of the District and Sessions Court, Bangalore Cantt. 852

P236 Copy of letter of request sent to the Additional District Judge, Bangalore City, by the District and Sessions Court, Bangalore Cantonment, dated 26th February 1940 for sending the Will 258–259

EXHIBITS FOR PROSECUTION—*concld.*

	PAGES
P237 Copy of the Judge's notes in O. S. 38 of 39 of the District and Sessions Court, Bangalore Cantonment	259–261
P238 Copy of the affidavit filed by A1 along with his petition in O. S. 38 of 39 of the Cantonment District and Sessions Court	261–264
P239 Copy of the statement filed by Kodandarama Reddy in O. S. 38 of 39 of the Cantonment District Court	265
P240 Copy of the notice issued to the Collector, Bangalore Cantonment in O. S. 38-39 of the District and Sessions Court, Bangalore Cantonment	266
P241 Application, dated 29th August 1938 filed by Mr. H. S. Narasiah, Advocate for A1 in Mis. 67 of 1935-36	267
P242 Death certificate relating to the death of K. Muninanjappa by the Collector, Bangalore Cantonment	267
P243 Death certificate relating to the death of K. Muninanjappa by the Health Officer, Bangalore Cantonment	268
P244 Register of deaths maintained in the Health Office, Ulsoor, Bangalore Cantonment	
P244(*a*) Entry relating to the death of K. Muninanjappa on page 70 of Exhibit P244	269
P245 Register of deaths maintained in the Health Office, Bangalore Cantonment	
P246 Original deposition of P. W. 80 in the Committal Court, (Muniyan)	269
P247 Records in Mis. 186 of 1936-37 on the file of the District Court, Bangalore	
P248 Appeal petition, dated 12th June 1938, in Mis. Appeal 1 of 1939-40 of the High Court, Bangalore	270-272
P249 Statement of A1 in the Committal Court	272
P250 Do A2 do	273
P251 Do A3 do	273
P252 Do A4 do	273
P253 Do A5 do	274-275
P254 Pronote, dated 10th February, for Rs. 3,750 executed by Rachappa and M. Venkatasamy in favour of late K. Muninanjappa.	275

EXHIBITS FOR DEFENCE.—

D1 A copy of the Will said to have been executed by K. Muninanjappa	276–278
D1(*a*) A portion marked in Ext. D1	278
D1(*b*) Endorsement of presentation made on D1 by the Sherishtedar of the District Court, Bangalore	
D2 Sheet containing two left thumb impressions	
D2(*a*) Sheet containing two right thumb impressions	
D3 Order sheet in Mis. 176/37-38 of Additional District Judge's Court, Bangalore	279
D4 Order passed on 17th August 1936 by the Judge in Mis. 67/35-36	279–280
D5 Reply filed by A1 on 25th March 1936 in Mis. 67/35-36	280–282
D5(*a*) A portion marked in Ext. D5 in Mis. 67/35-36	281
D6 Petitioner's reply, dated 10th January 1936, in Mis. 67/35-36	282–283
D7 Order sheet (portion) in Mis. 67/35-36, *re* production of Ext. P157 on 4th March 1937	283

EXHIBITS FOR DEFENCE—*concld.*

	PAGES
D8 Application, dated 16th November 1935, filed by A1 for the issue of a prohibitory order to the Bank of Mysore	284–285
D8(*a*) Order of the Judge directing the issue of the prohibitory order on Ext. D8	
D9 Objection petition, dated 11th November 1937 filed by A1 in Mis. 67/35-36	285–287
D10 Objection petition, dated 9th July 1938 filed by A1 in Mis. 67/35-36	287–288
D11 Application of objection, dated 6th August 1938 filed by A1 in Mis. 67/35-36	288–290
D12 Affidavit, dated 28th November 1938 in Mis. 67/35-36	290–292
D13 Order sheet in O. S. 28/38-39 of the District Court, Bangalore	293–298
D14 Plaint in O. S. 28/38-39	299–302
D15, D15(*a*), D15(*b*) Written statements in O. S. 28 of 38-39	303–306
D16 Reply to the written statements, Exts. D15 (a) and (b)	307–308
D17 Acknowledgment slip initialled by Mr. E. Ahobalanath, P. W. 30	308
D17(*a*) Initials of Mr. Ahobalanath	308
D18 Postal acknowledgment signed by A1 on 25th September 1935 (sent by A5)	309
D19 Letter, dated 8th January 1935, from the Bangalore Bank, Bangalore, to late K. Muninanjappa, *re* shares transferred	309
D20 Letter, dated 8th January 1935, from the Bangalore Bank to Narayana Reddy	309–310
D21 Order sheet in O. S. No. 22/34 of the District Judge's Court, Bangalore (Certified copy)	310–311
D22 Portion of order sheet, dated 6th April 1935 in O. S. No. 22/34 of the District Judge's Court, Bangalore Cantonment	311
D23 Decree passed in O. S. No. 22/34 of the District Court, Bangalore Cantonment	311–312
D24 Letter, dated 16th February 1940, from Mr. M. K. Murthy (late) to the Manager, Mysore Bank, *re* his overdraft account	312
D25 Copy of letter, dated 22nd February 1940, from the Mysore Bank to Mr. M. K. Murthy, *re* his overdraft account	312
D26 Order, dated 22nd August 1939, passed in Mis. 191/38-39 of the District Judge's Court, Bangalore	312–314
D27 Order, dated 6th March 1940, passed in Mis. 191/38-39 of the District Judge's Court, Bangalore	314–315
D28 Sale deed, dated 30th September 1928, executed by late K. Muninanjappa and registered in the Sub-Registrar's Office, Bangalore Cantonment	315–316
D28(*a*) Two left thumb marks of late Muninanjappa affixed on Ex. D28	316
D29 Visitors' Book of the Bangalore Central Jail, Bangalore	
D29(*a*) Signature of Mesrss. M. Wynne and V. V. Naik, D. S. Ps. on 16th March 1940 marked in Ex. D29	
D29(*b*) Signatures of Mesrss. Wynne and V. V. Naik, D. S. Ps. on 16th March 1940 marked in Ex. D29 on 19th March 1940	
D29(*c*) Signatures of Messrs. Wynne and V. V. Naik, D. S. Ps. on 26th March 1940 marked in Ex. D29	
D30 Certified copies in O. S. 11/25-26 on the file of the District Judge, Bangalore City	317–319

		PAGES
8	Order of Commitment	320–334
9	Appeal Memo in Cr. A. No. 19/40-41 with office notes	335
10	Appeal Memo in Cr. A. No. 20 do	335–336
11	Appeal Memo in Cr. A. No. 21 do	336-337
12	Reference under Section 374, Code of Criminal Procedure, by the Second Additional Sessions Judge, Bangalore, for the confirmation of sentence of death passed on A1 to A3	337

AMENDED CHARGES.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Complainant.		*Accused.*
Government of Mysore.	*Vs.*	K. M. Narayana Reddy and others.

I, A. Sundararaja Rao, Additional Sessions Judge, Bangalore, hereby charge you Accused 1 to 4—(1) Narayana Reddy, (2) Muniga, (3) Rama, (4) Maddura *alias* Munimaddura, as follows:—

1. That you, on or about 2nd day of March 1940, at Bangalore City did commit murder by intentionally and or knowingly causing the death of Mr. M. Krishna Murthy, and thereby committed an offence punishable under Section 302 of the Indian Penal Code, and within my cognizance.

2. That you the said four accused on or about the 2nd day of March 1940, at Bangalore City abducted the aforesaid Mr. M. Krishnamurthy in order that the said Mr. M. Krishnamurthy be murdered or might be so disposed of as to be put in danger of being murdered and thereby committed an offence punishable under Section 364 of the Indian Penal Code, and within my cognizance.

3. That you, the 5th accused Venkataranga Iyengar on or about the 2nd day of March 1940, at Bangalore City abetted the commission of the offence of murder of the aforesaid M. Krishnamurthy by A1 which was committed in consequence of your abetment and that you have thereby committed an offence punishable under Section 109/302 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried on the said charges.

Dated the 1st day of July 1940.

(Sd.) A. SUNDARARAJA RAO,
Sessions Judge,
1-7-1940.

AMENDED CHARGES.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Complainant.		*Accused.*
Government of Mysore.	*Vs.*	K. M. Narayana Reddy and others.

I, A. Sundararaja Rao, Esquire, B.A., B.L., Second Additional Sessions Judge, Bangalore, hereby charge you Venkataranga Iyengar as follows:—

1. That you, on or about the 2nd day of March 1940, at Bangalore City abetted the commission of the offence of abduction (under Section 364 of I. P. C.) of Mr. M. Krishnamurthy by A1 (as stated in the 2nd charge) which was committed in consequence of your abetment and thereby committed an offence punishable under Section 109/364 of the Indian Penal Code, and within my cognizance.

2. That you, on or about....

Dated the 1st day of July 1940.

(Sd.) A. SUNDARARAJA RAO,
Sessions Judge.

OPENING PROCEEDINGS.

IN THE COURT OF SESSIONS, BANGALORE DIVISION,

BANGALORE, DATED 1ST DAY OF JULY 1940.

Present:

A. SUNDARARAJA RAO, ESQ., B.A., B.L.,

Second Additional Sessions Judge.

Bangalore Sessions Case No. 30 of 1939-40.

Prosecutor.	*Vs.*	*Accused.*
Government of Mysore by City Police, Bangalore City.		1. K. M. Narayana Reddy; 2. Muniga; 3. Rama; 4. Maddura *alias* Munimaddura; 5. S. K. Venkataranga Iyengar.

Charge.—A1 to A4 charged for the offences punishable under Sections 302 and 364, I. P. C.

A5 charged for offences punishable under Sections 109/302 and 109/364, I. P. C.

Plea.—A1 pleads guilty to wrongful restraint and pleads not guilty to the charges against him.

A2 to A5 plead not guilty to the charges against them.

Assessors.—1. Dr. Paulchinnappa;
2. Mr. T. Rama Rao;
3. Mr. Maligappa.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.

1st July 1940.

Opinion of the Assessors.—

1st Assessor Dr. Paulchinnappa:—

I give my opinion from the lay-man's point of view.

1st Accused.—He is guilty of abduction with the intention of wrongful confinement. I do not find that sufficient evidence exists to convict him for murder.

2nd Accused.—He is guilty of murder and of abduction.

3rd Accused.—He is guilty of abduction and murder.

4th Accused.—He is guilty of abduction and murder.

5th Accused.—With regard to 5th Accused I am of opinion that he and the 1st Accused sought together, planned together and defended each other and I am willing that they should go together to the extent of the crime to which the 1st Accused is charged.

Q.—What is the guilt with which you charge the 5th Accused?

A.—Abetment of abduction with the intention of wrongful confinement. 5th Accused is not guilty of abetment of murder.

2nd Assessor Mr. T. Rama Rao:—

1st Accused.—Guilty of abduction and wrongful confinement. Not guilty of murder.

2nd Accused.—Is guilty of murder and abduction with intent to murder.

3rd Accused.—Is guilty of murder and abduction with intent to murder.

4th Accused.—I give the benefit of doubt.

5th Accused.—Guilty of abetment of murder; but he is not guilty of abduction.

3rd Assessor Mr. Maligappa:—

1st Accused.—Is not guilty of murder but he is guilty of abduction with intention of wrongful confinement.

2nd Accused.—Is guilty of murder and abduction with intention of wrongful confinement.

3rd Accused.—Guilty of murder and abduction with the intention of wrongful confinement.

4th Accused.—Guilty of murder and abduction with the intention to wrongfully confine.

5th Accused.—Guilty of abetment of murder and abetment of abduction.

(Intd.) A. S. R.,
Second Addl. Sessions Judge,
26-8-40.

Form No. 76,
Criminal.

ORDER SHEET.

IN THE COURT OF SESSIONS, BANGALORE DIVISION.

Bangalore Sessions Case No. 30 *of* 1939-40.

Complainant. *Vs.* *Accused (1 to 5.)*

Government of Mysore by the Police of Bangalore City.

1. K. M. Narayana Reddy.
2. Muniga.
3. Rama.
4. Maddura *alias* Munimaddura.
5. S. K. Venkataranga Iyengar.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	29-5-40	Letter of commitment together with copy of charges and of resume both in duplicate received on 28th May 1940, from the Special First Class Magistrate, Bangalore, committing K. M. Narayana Reddy and four others, accused 1 to 5, in C. C. No. 1 of 39-40 on his file to take their trial before this Court— (*a*) for offences under Sections 364 and 302 both read with Section 34, I. P. C. as against all the accused 1 to 5; (*b*) for offences under Sections 114 and 364, I. P. C. and 114 and 302, I. P. C. as against the 1st accused; and (*c*) for offences under Sections 109 and 364 I. P. C., Sections 109 and 302, I. P. C., Sections 465, 467, 468, 471 and 474, I. P. C. as against the 5th accused. *A1.* 364/34, 302/34, 114 and 364, 114 and 302, I. P. C. *A2.* 364/34, 302/34, I. P. C. *A3.* 364/34, 302/34, I. P. C. *A4.* 364/34, 302/34. *A5.* 364/34, 302/34, 109 and 364, 109 and 302, 465, 467, 468, 471, 474, I. P. C. Issue necessary intimations. Posted to 5th August 1940. (Id.) G. P., *Sessions Judge*, 29-5-40.	P. Ws. 99.
	20-6-40	As per the Government Order No. P. 7758-9, dated 13th June 1940 and High Court R. O. C. 1415—39-40, dated 19th June 1940 received to-day, advanced and re-posted to 1st July 1940. (Id.) G. P., *Sessions Judge*, 20-6-40.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer
	20-6-40	Names of fifteen (15) persons are selected from the list of Assessors in accordance with Section 326 (2) of Cr. P. C. Their names will be included in the precept. (Id.) G. P., *Sessions Judge.*
	1-7-40	Prosecution by Mr. G. S. Doreswamy Iyer and Mr. P. Rajaratnam. 1st accused by Mr. G. R. Ethirajalu Naidu and Mr. Basith. 2nd accused by Mr. unrepresented. 3rd accused by Mr. unrepresented. 4th accused by Mr. G. Channa Reddy. 5th accused by Mr. V. V. Srinivasa Iyengar. Out of 25 assessors summoned, 9 are served in person. Others not served. Six assessors are present. Since A2 and A3 are unrepresented I appoint Mr. H. Guruva Reddy as Standing Counsel in this case to represent the accused 2 and 3. He is agreeable to act as such.
	I. A. No. I.	The Public Prosecutor files an application for amendment and alteration of charges framed against the accused and also states that the trial may now be confined only to charges of murder, abduction and abetment thereof and that the trial of charges connected with forgery may be postponed. The counsel for the accused want time to state objections for this. Time given till 2-30 P.M. Objection filed by A 5. Arguments heard on both sides. The learned counsel for A 5 objects to the amendment of charges regarding A 5. He states first that in the charge for abetment should mention the actual locality where abetment took place and secondly he objects to the joint trial of A 5 with the other accused. I do not think it is necessary to mention the actual place and the manner of abetment. This can only form part of the evidence in the case. The charge as proposed against A 5 is in consonance with the provisions of Sections 221 and 222 of the Criminal Procedure Code. With regard to the trial of A 5 with the other accused there can be no prohibition as the plain meaning of Section 239 shows. Clause (b) of Section 239 specifically allows such a joint trial. The objections of A 5 cannot therefore prevail. I have gone through the evidence recorded at the inquiry. I consider it necessary to amend the charges as requested by the Public Prosecutor. A 1 to A 4 have no objection to the alteration of charges. I confine myself in this trial to the offences under Sections 302 and 364 and the abetment of these offences. The trial of offences connected with forgery and altered offences will be postponed as it would be embarrassing to the accused to try all charge together. Charges amended as noted in separate sheets. Accused were

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		asked whether they would plead guilty or claim to be tried. They all plead not guilty to the charges and cliam to be tried. Their plea recorded. Eight Assessors present. Three selected. 1. Dr. Paulchinnappa ; 2. Mr. Rama Rao ; and 3. Mr. B. N. Maligappa. The rest of the persons summoned will be discharged. Adjourned to to-morrow 2nd July 1940. Assessors warned. Prosecution witnesses bound over. Accused remanded to custody. (Id.) A. S. R., *Second Additional Sessions Judge,* 1-7-40.	
	I. A. No. II.	Public Prosecutor files an application praying that the additional witnesses named in the application may be sommoned. To hear the Defence Counsel—2nd July 1940. (Id.) A. S. R., *Second Additional Sessions Judge,* 1-7-40.	
	I. A. No. III.	Assessor Mr. C. K. C. Hanumanthappa files an application praying that he may be exempted. Exempted. (Id.) A. S. R., *Second Additional Sessions Judge,* 1-7-40.	
	I. A. No. IV.	Mr. T. Nanjappa—Assessor files an application praying that he may be exempted in serving as an Assessor for the reasons stated in the application. Exempted. (Id.) A. S. R., *Second Additional Sessions Judge,* 1-7-40.	
	2-7-1940	Prosecution by Mr. P. P. and A. P. P. 1st accused by Mr. C. B. 2nd and 3rd by Mr. H. R. G. 4th accused by Mr. G. C. R. 5th accused by Mr. V. V. S. I., H. S. R. I. and T. G. N. Assessors—present. P. P. opened the case. P. Ws. 1 to 20 examined. Adjourned to 3rd July 1940. P. Ws. bound over. Assessors warned. Accused remanded to custody. Approver also remanded to custody. (Intd.) A. S. R., 2-7-40.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer
	3-7-1940	Prosecution by Mr. P. P. and A. P. P. 1st accused by Mr. C. B. Accused 2nd and 3rd by Mr. H. R. G. 4th accused by Mr. G. C. R. 5th accused by Mr. V. V. S. I. and Mr. T. G. N. and Mr. H. S. I. Assessors—present. P. Ws. 21 to 24 examined. The examination of P. W. 22 occupied much time. Adjourned to 4th July 1940. Accused remanded to custody. Assessors warned. P. Ws. bound over. (Intd.) A. S. R., 3-7-40. Approver remanded to custody. (Intd.) A. S. R. 3-7-40.
	4-7-1940	Prosecution by Mr. P. P. and A. P. P. 1st accused by Mr. G. R. E. Accused 2 and 3 by Mr. H. R. G. 4th accused by Mr. G. C. R. 5th accused by Mr. V. V. S. I. and Mr. T. G. N. Assessors—present. P. Ws. 25 to 32 examined in full and P. W. 30 in part. Arguments heard regarding the admissibility of a certain statement of the deceased. For orders 5th July 1940. Remand the Accused to custody. Assessors warned. P. Ws. present bound over. Approver remanded to custody. Adjourned to 5th July 1940. (Intd.) A. S. R., 4-7-40.
	5-7-1940	Prosecution by Mr. P. P. and A. P. P. 1st accused by Mr. G. R. E. 2nd and 3rd accused by Mr. H. R. G. 4th accused by Mr. G. C. R. 5th accused by Mr. V. V. S. I. and Mr. T. G. N. Assessors—present. Order—pronounced in Open Court. P. W. 30 was examined further. He took much time. P. W. 33 was examined in part. Accused remanded to custody. Assessors warned. P. Ws present bound over. The Assessors state that they have some urgent business to attend to and that they cannot attend Court. The Counsel for A 5 state they have to be away from Bangalore to-morrow. The Assessors are businessmen and they should have a little respite. As a special case they are allowed to be absent Adjourned to 8th July 1940. (Intd.) A. S. R., 8-7-40.
	8-7-1940	Prosecution by Mr. P. P. and A. P. P. 1st accused by Mr. G. R. E. Accused 2 and 3 by Mr. H. R. G. 4th accused by Mr. G. C. R. 5th accused by Mr. V. V. S. I. and Mr. T. G. N. and Mr. H. S. R. I.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		Assessors—present. P. W. 33 further examined in part. He occupied the whole day. Adjourned to 9th July 1940. Assessors warned. P. Ws. bound over. Approver and accused remanded to custody. (Intd.) A. S. R. 8-7-40.	
	9-7-1940	Prosecution by Mr. P. P. and A. P. P. 1st accused by Mr. G. R. E. Accused 2 and 3 by Mr. H. R. G. 4th accused by Mr. G. C. R. 5th accused by Mr. V. V. S. I. and Mr. T. G. N. Assessors—present. P. W. 33's Examination was concluded. Adjourned to 10th July 1940. P. Ws. bound over. Assessors warned. Accused and approver remanded to custody. (Intd.) A. S. R., 9-7-40.	
	10-7-1940	Prosecution by Mr. P. P. & A. P. P. 1st accused by Mr. G. R. E. Accused 2 and 3 by Mr. H. R. G. 4th accused by Mr. G. C. R. 5th accused by Mr. V. V. S. I. and Mr. T. G. N. Assessors—present. P. Ws. 34 to 47 examined. Adjourned to 11th July 1940. Assessors warned. Accused and approver remanded to custody. (Intd.) A. S. R., 10-7-40	
	11-7-1940	Prosecution by Mr. P. P. and Addl. P. P. 1st accused by Mr. G. R. E. 2nd and 3rd accused by Mr. H. R. G. 4th accused by Mr. G. C. R. 5th accused by Mr. V. V. S. Iyengar and T. G. N. Iyengar. Assessors—present. P. Ws. 48 to 55 examined. Accused and approver remanded to custody. Assessors warned. P. Ws. bound over. The Assessors want to view the scene of occurrence and the spots connected with the case. The P. P. also wants me to make a local inspection of the spots in question and the scene of occurrence. I think it necessary to do so. As the spots are scattered over various places I fix tomorrow and day after for local inspection. (Intd.) A. S. R., 11-7-40.	
		The witnesses will be taken up from Monday 15th July onwards. (Intd.) A. S. R., 11-7-40.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	12-7-1940	Prosecution by Mr. P. P. and A. P. P. 1st accused by Mr. G. R. E. Accused 2 and 3 by Mr. H. R. G. 4th accused by Mr. G. C. R. 5th accused by Mr. H. S. R. I. Assessors.— Orders pronounced in Open Court regarding the admissibility of certain evidence *vide* separate sheet. Proceeded to local inspection with the Assessors and the P. P. and Defence Counsel and the accused at 1 P.M. (Intd.) A. S. R., 12-7-40.	
	12-7-1940	5 P.M. Returned from local inspection. Saw the spots in and around Bangalore. Accused and approver remanded to custody. To-morrow, the spot near Dodballapur will be inspected. The assessors and the counsel on either side will meet here at 12 NOON. Accused will also be produced, so also the approver. (Intd.) A. S. R., 12-7-40.	
	13-7-1940	Prosecution by Mr. P.P. and Addl. P. P. 1st accused by Mr. G. R. E. Accused 2 and 3 in person. 4th accused in person. 5th accused in person. Assessors in person. Proceeded for local inspection at 12-45 P.M. with Assessors, the Accused, Approver and Counsels on both sides. (Intd.) A. S. R., 13-7-40. Returned to Court at 4-40 P.M. Accused and Approver remanded to custody. Assessors warned to come on 15th July 1940. Bring up—15th July 1940. (Intd.) A. S. R., 13-7-1940.	
	15-7-1940	Prosecution by Mr. P. P. and Addl. P. P. 1st accused by Messrs. G. R. E and Basith. 2nd and 3rd accused by Mr. H. R. G. Reddy. 4th accused by Mr. G. C. R. 5th accused by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. Accused produced in Court. Approver also produced. P. Ws. 56 to 60. Examined P. W. 60 in part. Adjourned to 16th July 1940. Assessors and P. Ws. warned. Accused and Approver remanded to custody. (Intd.) A. S. R., 15-7-40.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	16-7-1940	Prosecution by Mr. P. P. and Addl. P. P. 1st accused by Messrs. G. R. E. and C. A. Basith. 2nd and 3rd accused by Mr. H. R. G. R. 4th accused by Mr. G. C. R. 5th accused by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. P. W. 60 was further examined. P. Ws. 61 to 69 examined. Adjourned to 17th July 1940. Assessors warned. No more P. Ws. present. Accused and Approver remanded to custody. (Intd.) A. S. R., 16-7-40.	
	17-7-1940	Prosecution by Mr. P. P. and Addl. P. P. A1 by Messrs. G. R. E. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. Prosecution cited 34 additional witnesses. Summons issued to City witnesses are not received. P. Ws. 70 to 72 examined and 72 in part. Adjourned to 18th July 1940. Assessors warned. Accused and approver remanded to custody. P. Ws. present, bound over. (Intd.) A. S. R., 17-7-40.	
	18-7-1940	Prosecution by Mr. P. P. and Addl. P. P. A1 by Messrs. G. R. E. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. Out of the additional witnesses summoned, 7 witnesses are served in person for to-day. P. Ws. 30 and 72 further examined. P. Ws. 73 to 78 examined. Adjourned to 19th July 1940. Assessors warned. Accused and approver remanded to custody. P.Ws. if present will be bound over. (Intd.) A. S. R., 18-7-40.	
	19-7-1940	Prosecution by Mr. P. P. and Addl. P. P. A1 by Messrs. G. R. E. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. Out of the additional witnesses cited by the Prosecution Mr. Muddappa, Advocate, Tumkur, served in person. P. Ws. 79 and 80 examined. P. W. 79 occupied almost the whole day. Adjourned to 22nd July 1940. Remand the accused and approver to custody. Assessors warned. (Intd.) A. S. R., 19-7-40.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer
	22-7-1940	Prosecution by Mr. P. P. 1st accused by Mr. G. R. E. Accused 2 and 3 by Mr. H. R. G. 4th accused by Mr. G. C. R. 5th accused by Mr. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. Summons issued to 2 P. Ws. are not received. Mr. Godwin pleads inability to attent the Court. P. Ws. 81 to 85 examined. Accused and Approver remanded to custody. Assessors warned. Adjourned to 23rd July 1940. (Intd.) A. S. R., 22-7-40.
	23-7-1940	Prosecution by Mr. P. P. 1st accused by Mr. G. R. E. Accused 2 and 3 by Mr. H. R. G. 4th accused by Mr. G. C. R. 5th accused by Mr. V. V. S. I. and Mr. T. G. N. Assessors—present. P. Ws. 86 to 90 examined and 90 in part. Remand the Accused and Approver to custody. Assessors warned. Adjourned to 24th July 1940. (Intd.) A. S. R. 23-7-40.
	24-7-1940	Prosecution by Mr. P. P. A1 by Mr. G. R. E. N. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I. and T. G. N. I. Assessors—present. P.Ws. 27 and 90 and 87 further examined. P.Ws. 91 to 95 examined and 95 in part. Remand the Accused and Approver to custody. Assessors warned. Adjourned to 25th July 1940. (Intd.) A. S. R., 24-7-40.
	See my Order dated 26-7-40 on P. P.'s application. Id. A. S. R. 26-7-40.	When I told the P. P. during after the examination of Mr. Peradon that I was asking him a question about the specimen signature card Exhibit P26, which was sought to be impugned by the Prosecution the P. P. replied "I am not a witness in the box to answer that question." I then told him that if this was the attitude he was taking towards the Court I would proceed further with the case. No comment is needed to show how the Court is treated. (Intd.) A. S. R., 24-7-40.
	25-7-1940	Prosecution by Mr. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		Assessors—present. The evidence of the Imperial Serologist taken on commission is exhibited as Exhibit P221. P. W. 95 was further examined. P. Ws. 96 to 100 examined. The Talbot car M. O. 3 and the motor van M. O. 4 were inspected by me with the assessors and counsel on both sides. They may be returned to their respective owners by the Police and proper vouchers obtained. Remand the accused and approver to custody. Assessors warned. Adjourned to 26th July 1940. (Intd.) A. S. R., 25-7-40.	
	26-7-1940	Prosecution by Mr. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. Reddy. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. P. Ws. 101 to 103 examined. Accused and approver remanded to custody. The assessors state that they find it inconvenient to attend the Court tomorrow Saturday on account of urgent engagements. Hence adjourned to 29th July 1940. (Intd.) A. S. R. 26-7-40. The P. P. files an application to-day with regard to my note dated 24th July 1940 stating that he meant no disrespect to the Court by his answer to my question. I accept his explanation on this matter. File the application. (Intd.) A. S. R., 26-7-40.	
	29-7-1940	Prosecution by Mr. P. P. and Addl. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. Reddy. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors.— Objection petition filed by Mr. H. R. G. Reddy, Counsel for A2 and A3, in reply to the memo filed by P. P. on 26th July 1940 *re* the marking of the deposition of one Muniyan, P. W. 80 in the Committal Court, as his present whereabouts are not known. Permitted to be marked as an exhibit Ext. P. 246. (Intd.) A. S. R. 29-7-40. P. Ws. 33, 60 and 102 further examined. P. Ws. 104 to 106 examined. Mr. G. R. E. the learned counsel for A1, states that he wishes to put a few more questions to P. W. 21 Mr. Misri and that he may be got. The P. P. states that he will produce him to-morrow if he is available in Bangalore or any nearby place. Adjourned to 30th July 1940. (Intd.) A. S. R., 29-7-4(	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding offic
	30-7-1940	Prosecution by Mr. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I., T. G. N. I. and H. R. S. Assessors.— 1st accused cited 5 witnesses. Summons to 1 to 4 issues. 1st witness served in person. Other summons not received. 5th accused cited 16 witnesses. 6 witnesses served in person. One not served. Other one is dead. The P. P. dispenses with P.Ws. 25, 30, 39, 69, 71, 8 89, 98 as examined in the Lower Court as being unnece sary and he states P.Ws. 38 and 74 in the Lower Cou are as hostile and that he does not examine them her P. P. tenders P.Ws. 25, 30, 38, 69, 71 and 86, 89 ar 98 in the Lower Court for cross-examination. Tl counsel for all the accused do not want them for cros examination. The P. P. tenders as evidence the stat ment of accused given in the Lower Court. They marked as Exhibits P. 249 to P. 253. They are r now. Accused examined under Section 364 of the Crimi Procedure Code. The counsel for A5 opened the ca Other accused have no witnesses. D.Ws. 1 and examined and D.W. 2 in part. Adjourned to 31st J 1940. (Intd.) A. S. R., 30-7-40. Remand the accused and approver to custo Assessors warned. (Intd.) A. S. R., 30-7-40.
	31-7-1940	Prosecution by Mr. P. P. and Addl. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. Assessors.— D.Ws. 1 and 2 further examined. D.Ws. 3 to 9 examined. Remand the accused and approver to custo Assessors warned. Adjourned to 1st August 1940. Intd.) A. S. R., 31-7-40.
	1-8-1940	Prosecution by Mr. P. P. and Addl. P. P. A1 by Mr. C. A. Basith (only). A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I., T. G. N. I. Assessors—present. D.Ws. 10 and 11 present and examined. Mr. V. V. Iyengar states that he summoned Pandit Narasimhi and that since he is not served he dispenses with hi A5 closes the case.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		A1's counsel files an application stating that he wishes to examine Mr. Misri only and that he wants time till Monday to engage a senior counsel from Madras to argue the case. The Police will please produce Mr. Misri tomorrow 2nd August 1940. The counsel for A2 to A4 have no objection to begin the arguments tomorrow. They may do so. I shall consider A1's other request tomorrow. Adjourned to 2nd August 1940. (Intd.) A. S. R., 1-8-40.	
	2-8-1940	Prosecution by Mr. P. P. and Addl. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. P.W. 21 recalled and further examined by Mr. G. R. E. R. counsel for A1. At the request of Mr. G. R. E. who states that he is expecting a lawer from Madras and that he will not be here tomorrow. The counsel for A2 and A3 was allowed to start arguments on his consenting to do so. (Intd.) A. S. R., 2-8-40. Mr. H. G. R. addressed the Court and assessors. Remand accused and approver to custody. Assessors warned. Adjourned to 5th August 1940. (Intd.) A. S. R. 2-8-40.	
	5-8-1940	Prosecution absent. A1 by A2 and A3 by A4 by A5 by absent. due to holidays. Assessors : absent. A1 to A5 in custody from B. C. Jail and Ponnambalam (approver) in custody from Byramangala Sub-Jail produced. On account of the sad demise of our beloved Ruler, Courts have been closed for 13 days from yesterday. 17th and 18th instants are General Holidays. Case is therefore adjourned to 19-8-1940. Accused remanded to custody. Approver also remanded to custody. (Intd.) A. S. R., 5-8-40.	
	19-8-40	Prosecution by Mr. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. Counsel for A4 addressed arguments. Counsel for A5 addressed arguments in part.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		Remand accused and approver to custody. Assessors warned. Adjourned to 20-8-40. (Intd.) A. S. R., 19-8-40.	
	20-8-40	Prosecution by Mr. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. Reddy. A4 by Mr. G. C. Reddy. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. Mr. V. V. S. I. continued his arguments. He has not yet finished to-day. Remand accused and approver to custody. Assessors warned. Adjourned to 21-8-40. (Intd.) A. S. R., 20-8-40.	
	21-8-40	Prosecution by Mr. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. Reddy. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. Mr. V. V. S. I. continued his arguments and finished to-day. Mr. G. R. E. states that Mr. V. L. Ethi raj who was expected to come tomorrow to argue the case on behalf of A1 cannot come tomorrow and that he has requested the P. P. to start his arguments tomorrow after Mr. V. V. S. I. finished his arguments and that P. P. has agreed to do so. P. P. states that he has no objection to do so and that Mr. V. L. E. may argue after his address is over and that he may be given a further chance to reply if necessary. Since counsel on both sides agree to the above proposal I allow it. P. P. may begin tomorrow. (Intd.) A. S. R., 21-8-40	
		Submitted. I agree to commence tomorrow with a reservation of my right of reply. (Sd.) G. S. Doraswamy Iyer, *Public Prosecutor*, 21-8-40. Remand accused and approver to custody. Assessors warned. Adjourned to 22-8-40. (Intd.) A. S. R., 21-8-40	
	22-8-40	Prosecution by Mr. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. Reddy and A5 by Messrs V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. P. P. started his arguments to-day.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		He has not yet finished. Adjourned to 23-8-40. Remand accused and approver to custody. Assessors warned. (Intd.) A. S. R., 22-8-40.	
	23-8-1940	Prosecution by Mr. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. Reddy and A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. P. P. concluded his arguments. For arguments of A1's counsel 24-8-40. Remand approver and accused to custody. Assessors warned. (Intd.) A. S. R., 23-8-40.	
	24-8-1940	Prosecution by Mr. P.P. A1 by Messrs. G. R. E. Naidu, C. A. Basith and V. L. Ethiraj (Madras). A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. Reddy. A5 by Messrs. T. G. N. I., H .S. R. I. and V. V. S. I. Assessors—present. Mr. V. L. E. addressed arguments on behalf of A1. P.P.'s reply heard. I have to sum up the evidence to the assessors. Adjourned to 26th August 1940. Remand accused and approver to custody. Assessors warned. (Intd.) A. S. R., 24-8-1940.	
	26-8-1940	Prosecution by Mr. P. P. A1 by Messrs. G. R. E. N. and C. A. Basith. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. R. A5 by Messrs. V. V. S. I., T. G. N. I. and H. S. R. I. Assessors—present. The Court summed up the evidence. The opinion of assessors recorded. Assessors discharged. Remand accused and approver to custody. Judgment 12th September 1940. (Intd.) A. S. R., 26-8-1940.	
	12-9-1940	Prosecution by Mr. P. P. A1 by Mr. G. R. E. N. A2 and A3 by Mr. H. R. G. R. A4 by Mr. G. C. Reddy. A5 by Mr. V. V. S. Iyengar. Judgment pronounced in Open Court convicting A1 to A3 and acquitting A4 and A5. A5 is not discharged from custody as he has to undergo trial in R. S. 1—40-41. (Intd.) A. S. R., 12-9-1940. Approver also remanded to custody as he is wanted in that case. (Intd.) A. S. R. 12-9-1940.	

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

DATED THE 5TH DAY OF JULY 1940.

Present.

5 A. SUNDARARAJA RAO, ESQ., B.A., B.L.,
Second Additional Sessions Judge.

BANGALORE SESSIONS CASE NO. 30 OF 1939-40.

Complainant.	*Vs.*	*Accused.*
Government of Mysore by		1. K. M. Narayana Reddy.
10 Bangalore City Police.		2. Muniga.
		3. Rama.
		4. Maddura *alias* Muni Maddura.
		5. S. K. Venkataranga Iyengar.

ORDER.

15 During the course of the examination of the prosecution witness P. W. 30 Mr. Ahobala Nath, the learned Public Prosecutor wanted to prove a statement made by the deceased person, which was said to constitute a motive for the 5th accused to commit a crime. The statement was something like the deceased Mr. M. Krishna Murthy saying that A5 was not friendly towards him and that 20 there was ill-will against him or something to that effect. Mr. V. V. Srinivasa Iyengar, the learned Counsel for the defence objects to the proof of that statement on the ground that it is neither relevant nor admissible under Section 32 (1) of the Evidence Act. I am told that there are certain other witnesses also who are summoned to prove a statement of that kind.

25 2. According to the prosecution, the statement of Mr. M. Krishna Murthy shows what motive the accused 5 had to plot his murder. The learned Public Prosecutor contends that it is both relevant under Section 8 and admissible under Section 32 (1) of the Evidence Act. Section 8 states that any fact is relevant which shows or constitutes a motive for any fact in issue. The fact in issue is 30 whether the 5th accused abetted the murder of Mr. M. Krishna Murthy. The motive for this can certainly be proved as a relevant fact under Section 8. But a fact though relevant must be proved by admissible evidence. It is no doubt true that what the deceased stated could be proved only by those who heard it from him. But as has been observed by Mr. Justice Sundaram Chetti in LIV Mad. 35 931 that "though that statement shows a motive for accused 1's act, it does not lose the character of being a statement made by a deceased person." So in order that a statement should be admissible in evidence, it must satisfy the requisites of Section 32, Clause 1. It is clear that the statement attributed to the deceased cannot be deemed to be a statement as to the cause of his death or as to any of the 40 circumstances of the transaction which resulted in his death and it would be inadmissible as hearsay evidence.

3. Under Section 8 such a statement could be admissible if it is followed by conduct as can be seen from the explanation (1) to Section 8, *i.e.*, that statement should accompany or explain any act of Mr. Krishna Murthy. It is no doubt true 45 that a motive can be proved as a relevant fact. But, as has been observed by the learned Judges of the High Court of Madras in the case quoted above, it cannot be proved by hearsay evidence. Mr. Justice Sundaram Chetti states "With some hesitation, I am constrained to accede to the contention that the evidence of these witnesses as to what Sivamma stated to them is inadmissible." The Chief Justice Mr. Justice 50 Beasley, who took part in that case, stated that if the intention of a person can be

proved by direct evidence, then such evidence is clearly admissible to prove the relevant fact of motive, but that he found nothing in the Evidence Act which renders hearsay evidence of such intention admissible and that a distinction has to be drawn between the relevancy of the evidence and its admissibility and that he found nothing which supports the contention that a relevant fact can be proved by hearsay evidence. He goes on to say that hearsay evidence can never be admitted unless the Indian Evidence Act permits it and that Section 32 does, subject to the conditions therein stated, admit hearsay evidence. The contention of the learned Public Prosecutor would be that evidence otherwise inadmissible ought to be admitted in order to prove any relevant fact. This, the Chief Justice, in the case quoted above, calls it an utterly impossible contention. Mr. Krishna Murthy's statement, even if true, never amounted to a 'conduct' as stated in Section 8 of the Evidence Act and the word 'conduct' has been explained further in Section 8 stating that it does not include statements unless these statements accompany and explain acts other than statements. But it is clearly pointed out that this explanation does not affect the relevancy of the statements under any other section of this Act.

4. A similar view has been taken in I. L. R. 4 Lah. Page 451. Therein also evidence was sought to be tendered with regard to certain statements alleged to have been made by the deceased some time prior to the date of her death. One of them was made about 8 or 9 months before her death and the other about 10 days before her murder. The learned Judges of the Lahore High Court held that it was quite obvious that those statements could not be made evidence in that case seeing that they are statements made by a person who is dead and therefore could only be admitted if they could be shown to come within the provisions of Section 32(1) of the Indian Evidence Act. There also the learned Government Advocate argued that they did come within those provisions being statements made by the deceased as to the cause of her death or as to the circumstances of the transaction which resulted in her death. The learned Justice Ferode stated that it is hard to believe that such a contention could be put forward seriously and that the sub-section relied upon by the learned Government Advocate applied only to the class of statements known as 'dying declarations' and that in the case before them, assuming that the statements in question were in fact made, they were made in the one case many months and in the other case many days before the cause of death and that the statement must be made by the person when he is dying from the result of the injury which caused his death and that otherwise, it was obviously not a dying declaration. A similar view has been taken in the Nagpur Judicial Commissioner's Court in A. I. R. 1933 Nag. 136. It is stated therein that the transactions resulting in death, which is contemplated under Section 32, cannot possibly mean any fact or series of facts which have no direct and organic relation to death. The fact of death is a *res getae* and the main fact and only those circumstances which constitute or accompany this main fact can be regarded as part and parcel of the transaction and that the incidents therefore must be intimately connected with the immediate cause of death. The learned Judges go on to say that the statements made by the deceased long before the actual incident of murder are inadmissible under Section 32 (1). With regard to Section 8, they state that what is relevant under Section 8 is the particular act upon the statement and the statement and the act must be so blended as to form a part of a thing observed by a witness and sought to be proved and that otherwise the statements are inadmissible. The Madras case referred to above is also quoted by the Judges in support of their decision. In Siva Bhai *Vs.* King Emperor A. I. R. 1926 Bom. 513 and in A. I. R. 1924 Nag. 115 some statements which were made prior to injury were admitted under Section 32 (1). With regard to that, the learned Judges of the Nagpur Court say that the evidence in these cases were admissible under Section 8 as the statements made by the deceased in both cases explained their conduct. Under Section 8 of the Evidence Act, it is not the statement that is admissible but the evidence of conduct which follows the statement that is admissible. Unless the statements are the essential complements of acts done or refused to be done so that the act itself or the omission to act acquires a special significance as a ground for interference with respect to the issues in the case, they could not be admitted. The statements now sought to be proved are more or less expressions of suspicions or of fear. A more liberal view of Section 32(1) has been taken by the Privy Council in

Law Weekly 1939, page 349, Pakala Narayana Swami *Vs.* The King Emperor. Their Lordships in that case observe as follows:—

"A variety of questions has been mooted in the Indian Courts as to the effect of this section. It has been suggested that the statement must be made after the transaction has taken place, that the person making it must be at any rate near death, that the "circumstances" can only include the acts done when and where the death was caused. Their Lordships are of opinion that the natural meaning of words used does not convey any of these limitations. The statement may be made before the cause of death has arisen, or before the deceased has any reason to anticipate being killed. The circumstances must be circumstances of the transaction: general expressions indicating fear or suspicion whether of a particular individual or otherwise and not directly related to the occasion of the death will not be admissible. But statements made by the deceased that he was proceeding to the spot where he was in fact killed, or as to his reasons for so proceeding, or that he was going to meet a particular person or that he had been invited by such person to meet him would each of them be circumstances of the transaction and would be so whether the person was unknown or was not the person accused. Such a statement might indeed be exculpatory of the person accused. "Circumstances of the transaction" is a phrase no doubt that conveys some limitations. It is not as broad as the analogous use in "circumstantial evidence" which includes evidence of all relevant facts. It is on the other hand narrower than *res gestae*. Circumstances must have some proximate relation to the actual occurrence: though as for instance in a case of prolonged poisoning they may be related to dates at a considerable distance from the date of thse actual fatal dose." From these observations, it is clear that the general expression indicating fear or suspicion whether of a particular individual or otherwise and not directly related to the occasion of the death will not be admissible. A similar view is expressed by the Calcutta High Court in 173 I. C. page 65. There a written complaint by the deceased to the S. D. O. stating that he apprehended danger to his life, liberty and reputation was admitted in a trial for a conspiracy to murder the deceased under Section 8 of the Evidence Act to prove the conduct of the deceased, the offence against whom was the subject of the trial on the ground that such conduct was being influenced by his fear of injury. The learned Public Prosecutor relies upon the decision reported in 24 M. C. C. R., page 224. That case can be easily distinguished from the case under consideration. There, in a trial for murder evidence was tendered that the deceased in the interval between the assault upon him and his death and while in a state of semi-delirium was heard by several of the prosecution witnesses to say certain words corroborative of the approver's evidence that the deceased had uttered those same words while still conscious and while being beaten. These utterances were held admissible under Section 6 of the Evidence Act. The facts of the case under consideration are entirely different from the facts in the case quoted above. Therefore, the decision in that case cannot apply to this case. The assault was one of the transactions which resulted in death and any statement made by the deceased with regard to this transaction is clearly admissible under Section 32 (1) of the Evidence Act. There are no such circumstances in the present case.

5. I, therefore, hold relying on the above decisions that any statement made by the deceased person which would show that the deceased apprehended danger from any of the accused or any statement of fear or suspicion against any of the accused as is now sought to be put in would be inadmissible in evidence and cannot be proved.

Dictated to the steno-typist and pronounced and signed by me in Open Court.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
5-7-1940.

IN THE COURT OF SESSIONS, BANGALORE DIVISION.

Dated Bangalore, 12th July 1940.

PRESENT.

A. SUNDARARAJA RAO, ESQ., B.A., B.L., SECOND ADDITIONAL SESSIONS JUDGE.

Bangalore Sessions Case No. 30—39-40.

Complainant.	*Vs.*	*Accused.*
Government of Mysore by Bangalore City Police.		1. K. M. Narayana Reddy. 2. Muniga. 3. Rama. 4. Maddura *alias* Muni Maddura. 5. S. K. Venkatarangiengar.

ORDER.

1. When a witness was tendered by the Public Prosecutor to prove under what conditions a certain will said to have been executed by the deceased Muninanjappa, the father of A1, came into existence, the learned counsel for the defence took objection to the admissibility of the evidence on the ground that it is irrelevant for the purpose of this case and that with regard to the forgery of the alleged will, the trial has been purposely separated and that a trial has got hereafter to take place with regard to it. The learned Public Prosecutor wants to prove the forgery of the will as an attending circumstance to prove the motive which the 1st and 5th accused had in committing the offences in question.

2. There is no doubt that though charges were framed in the Lower Court against the 5th accused with regard to the offence of forgery, the trial at the request of the Public Prosecutor has been postponed with regard to the forgery and its allied offences. The trial which has been postponed has nothing to do with the 1st accused, who is not an accused in that case. The prosecution alleges that the motive which prompted accused 1 and 5 to do away with the late Mr. M. Krishna Murthy was that he was exposing them by proving that a certain will executed by the father of the 1st accused was a forged one. Since there is another case against the 5th accused in which the alleged forgery of the will has got to be dealt with in detail, the 5th accused would be embarrassed and the Court also would be embarrassed if a detailed evidence regarding the forgery of the will is adduced in this case. But to probabilize the fact that Krishna Murthy believed the will to be a fabricated one and the accused feared that he might expose them, some evidence regarding the manner in which the will in question came into existence is necessary to connect the 1st accused and the 5th accused with the coming into existence of the will.

3. In view of the fact that the 1st accused has no manner of connection with the other case, the prosecution have to prove that the 5th and the 1st accused were connected with the coming into existence of the will in question. The connection of these two accused with the coming into existence of the will is a relevant fact, which forms part of the motive for the offences in question.

4. I allow evidence to be let in to show the connection of the accused 1 and 5 with the coming into existence of the will, which is impugned by the prosecution.

Dictated to the steno-typist, pronounced and signed by me in Open Court.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge.
12-7-1940.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

MEMORANDUM OF LOCAL INSPECTION

ON

12th July 1940.

I left the Court with the Assessors, the Public Prosecutor, the Additional Public Prosecutor, the Counsel for the Defence and all the five Accused and the approver at 1 P.M. We all went to the house of the 1st Accused in the Cambridge Road in the Civil and Military Station. We inspected the front gate, the rear gate and the room where the deceased Muninanjappa was said to have been lying at the time of the alleged execution of the Will and the office room of A1. The rear gate opens into a main road called 'G' Street of Jogupalya. There is a maidan by the side of A1's house. The house, which forms a part of the out-house in A1's compound, where the 2nd Accused—Muniga is said to have been living, was pointed out. There is a loft in that house where Muniga is said to have been living. From that loft a green cloth is said to have been seized. The pillars of the front gate appear to be new and the 1st Accused stated that they were constructed in December 1939. This was noted at the instance of A5. The Ulsoor Police Station is within about 200 yards from the 1st Accused's house. There is also a Bus-stop there. The houses of P. Ws. Marappa and Shamanna Gowda are in the G-Street referred to above and near each other.

From A1's house, we proceeded to A1's apple garden and saw a house where the approver Ponnambalam and the 3rd Accused—Rama were said to be living. There is also a Pump House somewhere in the middle of the garden where the over-coat (M. O. 2) is said to have been seized. The garden is nearly five or six furlongs from A1's house as the crow files and by the main road it is about one and a half miles. After seeing the garden, we came to the Petrol Bunk of V. T. Padmanabhan, just behind the R. B. N. M's School in the Cavalry Road about one and a half miles from A1's house. This is the Bunk where the approver is said to have purchased petrol three times on the evening and night of 2nd March 1940. From there we went to Mr. Misri's estate passing through Domlur and Murigeshapalaya and P. W.—Mr. Tustin's house. In Mr. Misri's estate we saw the Garage from which his van (M. O. 4) was taken.

From Mr. Misri's estate we went to Konena Agrahar and saw the Casuarina tope where the dead body is said to have been deposited at first on the night of 2nd March 1940. That tope is near the 6th mile-stome in the Bangalore-Whitefield Road. In that place a piece of green cloth and cardamoms were said to have been seized. There are no houses nearby this tope and there are no watchmen-sheds in the tope itself. It is about 40 yards from the Whitefield Road.

From that Casuarina Tope we drove to Cottonpet in the City and saw Mr. M. Krishna Murthy's Office. Proceeding further we saw the place between the Church and the Oil Mill, a lane, where the approver is said to have bent the number plate. That lane is a narrow one. From there we came to Hardinge Road *via* Sharada Samaj and the Balija Hostel and joined the Hardinge Road opposite to Sanskrit College and Kannada Sahitya Parishat. The place where Mr. Krishna Murthy was found walking on the road near the Sanskrit College was also pointed out in the Hardinge Road. It is at this place A2 to A4 and Ponnambalam were said to have got down to follow the late Mr. Krishna Murthy.

From there we came to the National High School field in the Hardinge Road and inspected the field or maidan there. There is only a small space just at the north-west corner of the National High School for a car to leave the maidan to join the Hardinge Road. In other places, no car can pass to the Hardinge Road from this maidan. There, a few yards off, the Hardinge Road joins the Basavangudi North Road. We passed in that road and saw the house where Mr. M. Krishna Murthy was living. That is a few yards off the Basavangudi Circle towards Lal-Bagh in the North Road.

From there going through the Krumbeigel Road, we came to Mental Hospital Circle and took the Shoolay Road through which road the body is said to have

been carried to be laid at Konena Agrahar. On our way we passed through Hosur Road. Then proceeding through Ulsoor, we saw the spot where the taxi is said to have been hired that night.

Driving straight from there, we saw Webb's Service Station and from there we proceeded to the Court. It was about 5-15 P.M. then. We travelled 38 miles in all during the inspection.

(Intd.) A. S. R.,
Second Additional Sessions Judge,
12-7-40.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

MEMORANDUM OF INSPECTION HELD ON 13TH JULY 1940.

I left the Court premises at 12-45 P.M. with the Public Prosecutor, the three Assessors and all the Accused with Approver. We at first proceeded to Hebbal Tank and there saw the water-guage stone where certain articles of the deceased are said to have been thrown by P. W. 33 Ponnambalam. The Assessors also saw the place in the presence of the Accused and Counsel on both sides.

From there, we proceeded to the 11th mile-stone towards Dodballapur Road and then went inside the Casuarina tope situated in Survey No. 46 of Puttanahally village where the dead body of Mr. Krishna Murthy was said to have been kept before it was taken further on towards the Ghati Road. After inspecting the spot where the dead body was kept we all proceeded to the Makalidroog Road and saw the spot where the dead body of Mr. Krishna Murthy was finally dropped. This spot is about 2 miles from the Ghati Subramanya Temple and this is also on the road leading to the temple. This road is a deviation from the Bangalore-Goribidnur Road. There is a foot-path by the side of the place where the dead-body was said to have been lying. There is a shallow valley by the side of this road and it is in this valley the dead-body is said to have been found. On all sides, there is a thick growth of vegetation. One that moves on this road can easily see the dead body lying in the valley by the side of the road.

We returned to the Court after inspecting the spots at about 4-40 P.M. We travelled 80 miles up and down our journey.

(Ind.) A. S. R.,
Second Additional Sessions Judge,
13-7-40.

IN THE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE, BANGALORE.

CRIMINAL CASE No. 1 OF 1939-40.

Mysore Police.
Form No. 30. F.I.R. 478—1939-40.

Report of first complaint or intelligence received describing the occurrence of cognizable offence or other important occurrence on the 4th day of March 1940 at Chamarajpet Police Station of Bangalore City Taluk.

1.	Register No. of the Report	122—39-40.
2.	Name of offence described	I. P. C. 364.
	Number of offenders said to be concerned ...	Not known.
	Number of persons said to be killed or hurt.	One removed by force.
	Value of property said to have been taken.	Nil.
3.	Date and place of occurrence. Within limits of what station, with distance and direction herefrom.	On 2nd March 1940 in the Urdu Eleven Field in the limits of 'C' Station about ¾ mile to the south-east.

4. First intelligence when (day and hour) and how received and at what station.	The written complaint received at 11-30 A.M. on 4th March 1940 in person at Basavangudi Police Station.
5. Name of informant and substance of complaint or intelligence received with date of occurrence and names of persons and all circumstances mentioned in connection with the occurrence reported.	Mr. Vajapeyam Venkatesaiya reports that his brother-in-law Mr. M. Krishna Murthi, Advocate, must have been abducted while he was on his way to his house from his office at about 7-50 P.M. on 2nd March 1940, etc.
6. Rank and Name of Senior Police Officer present. Information he obtained by questioning informant and steps taken to ascertain the truth of alleged occurrence.	K. S. Ramanna, Inspector of Police.
7. If Police Officer does not proceed to the spot for investigation or if he declines to investigate under Section 157, Cr. P. C. Proviso (*a*) or (*b*), the reasons therefor.	Investigating.

(Sd.) K. S. RAMANNA,
Signature of Police Officer.

The original complaint received in writing is herewith affixed.

(Sd.) K. S. RAMANNA,
'C' Division.

Submitted to the Court of City Magistrate, Bangalore,

(Sd.) K. S. RAMANNA,
C. P. I.,
4-3-40.

Received muddam at 4 P.M. on 4th March 1940.
Await final report.
M. R.
(Initialled).

C. M.,
4-3-40.

IN THE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE AT BANGALORE.

CRIMINAL CASE No. I OF 1939-40.

Report of the first complaint or intelligence received describing the occurrence of cognizable offence or other important occurrence on the 4th day of March 1940 at Kasaba Police Station of Dodballapur Taluk.

1. Register No. of the Report	53/39-40.
Name of offence described	(1) Unnatural death.
Number of offenders said to be concerned.	(2) Not known.
2. Number of persons said to be killed or hurt.	(3) One died.
Value of property said to have been taken.	Not known.
3. Date and place of occurrence. With limits of what station, with distance and direction herefrom.	On 4th March 1940 on the side of the road leading to S. Ghati in the limits of Dodballapur Kasaba Police Station, about a distance of 9 miles to the north.

4. First intelligence when (day and hour) and how received and at what station.	On receipt of the report of P. C. 282 of S. Ghati O. P. this day at 3-30 P.M. at Kasaba Police Station.

8. P. C. No. 282 Sheik Mohidin of S. Ghati Out Post has reported this day that a dead body of a male person is found lying on the side of the road leading to S. Ghati from Makli Railway Station and that there is an injury on the head of the deceased and that a rope is tied to the neck and the two legs. A coat, a waist coat and a shirt are worn on the body and a sacred thread is also visible on the body. There are marks of a car having come from Bangalore side and returned towards the same on the road near the corpse. The report of the P. C. herewith attached. Hence this F. I. R.

The original F. I. R. is submitted to the Amildar-Magistrate, Dodballapur.

I am proceeding to the spot at once for investigation.

(Sd.) S. C. KRISHNAPPA,
Sub-Inspector of Police,
Dodballapur.
4-3-1940.

(Id.) 4th March 1940 at 7 P.M. S. C. 6425 Judl. (Id.)

Submitted to the Taluk Magistrate, Dodballapur.

(Sd.) S. C. KRISHNAPPA,
Sub-Inspector,
4-3-1940

A. D. R. No. 23/39-40. Enclosure--one report.

Submitted to the District Magistrate, Bangalore District, Bangalore, for kind perusal. Inquest is being conducted by the Police. Further report will be made after the receipt of the inquest.

(Sd.) B. NARAYANASAMY,
Amildar-Magistrate,
Dodballapur.
5-3-1940.

480/39-40.

Seal of the Deputy Commissioner's Office,
Bangalore District.
7th March 1940. (Id.)

From

The Munsiff and First Class Magistrate,
Dodballapur.

To

The City Magistrate,
Bangalore.

No. 619/39-40, dated 15th March 1940.

Sir,

I have the honour to forward herewith the F. I. R. and post mortem certificate connected to that F. I. R. in R. C. R. 90—39-40 (Cr. 53—39-40 of D. B. Pur Kasaba Range under Section 302, I. P. C.) on the file of this Court through the Police Inspector of Dodballapur, in a sealed cover as requested in his letter No. C. 917 of 1939-40, dated 9th March 1940, and to request to acknowledge the receipt of the same in your Court.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) B. R. RAMALINGIAH,
Munsiff and First Class Magistrate.

IN THE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE, BANGALORE.

CRIMINAL CASE No. 1 OF 1939-40

M--7th March 1940 at 2 P.M. By the Police Inspector of Dodballapur. Await final report.

(Id)--B. R., F.M. 7th March 1940. R. C. R. 90—39-40.

Report of the first complaint or intelligence received describing the occurrenc of cognizable offence or other important occurrence on the 6th day of March 194 at Dodballapur Police Station of Dodballapur Taluk.

1. Register No. of the report.	53—39-40.
2. Name of offence described.	(1) 302, I. P. C.
Number of offenders said to be concerned.	(2) Not known.
Number of persons said to be killed or hurt.	(3) One.
Value of property said to have been taken.	(4) Nil.
3. Date and place of occurrence. With limits of what station, with distance and direction herefrom.	Prior to 11 A.M. of 4th March 1940 on the side of the road leading from Makli Railway Station to S. Ghatta, Dodballapur Kasaba Police Station, at a distance of 9 miles to the North.
4. First intelligence when (day and hour, and how received and at what station.	On receipt of the report of P. C. 282 Sheik Mohidin on 4th March 1940 and subsequently on the receipt of P. M. report this day at 5 P.M.
8. *Complainant.* Government.	*Accused.* Not known.

On the morning of 4th March 1940 at about 11 A.M., P. C. 282 Sheik Mohidin of S. Ghati Outpost saw a dead body of a male person lying on the side of the road leading to S. Ghati from Makli Railway Station with a head injury and a rope had been tied to the neck of the deceased.

On receipt of this report an F. I. R. N/s 174 Cr. P. C. was submitted to the Amildar-Magistrate, Dodballapur as Cr. No. 53--39-40 of Dodballapur Kasaba and investigation started.

During the investigation it was ascertained that the dead body happened to be that of late Mr. M. Krishnamurthy, Advocate of Bangalore City, and foul play suspected. The body was subjected for P. M. examination. The Assistant Surgeon who conducted the P. M. examination over the dead body has sent a certificate this day stating that the death was due to asphyxia as a result of strangulation. A case under the above section is registered. The original P. M. certificate is attached. I am investigating the case. The original F. I. R. has been submitted to the Court of Munsiff and First Class Magistrate, Dodballapur.

(Sd.) H. NOORULLA,
Inspector of Police,
Dodballapur.

6-3-1940.

IN THE COURT OF SPECIAL FIRST CLASS MAGISTRATE, BANGALORE.

C. C. No. 1 OF 1939-40.

Bangalore City—Charge sheet No. 1—39-40. Dated 23-3-1940.

Police Station, Chamarajpet—First Information Number Cr. No. 122—39-40 of C. 1 Station. Dated 4-3-1940.

Name, address and occupation of complainant or informant.	Mr. Vajapeyam Venkatesiah, Premier Book Company, Kempegowda Road, Banga-

Col. 2. Names and addresses of accused persons not sent up for trial whether arrested or not arrested including absconders (show absconders in red ink).

Col 3. Names and addresses of accused persons sent up for trial.—

In custody :

1. K. M. Narayana Reddy, son of K. Muninanjappa, Ulsoor, Civil and Military Station, Bangalore.

2. V. S. Ponnambalam, son of V. P. Sampangi Mudaliar, Ulsoor, Civil and Military Station, Bangalore.

(Nos. 1 and 2 are in Magisterial custody in Bangalore Central Jail.)

3. Muniga, son of Kadariga, Tippasandra village, Bangalore Taluk.
4. Rama, son of Muniga, Mottappanapalya, Bangalore Taluk.
5. Maddura *alias* Muni Maddura, son of Avaliga, Murugeshpalyam.

Note.—Accused No. 2 is the Motor driver, No. 3 is a gardener, Nos. 4 and 5 are the servants under Accused No. 1.

6. S. K. Venkataranga Iyengar, Advocate, Gandhi Nagar, Bangalore City.

(Sd.) M. NARASIMHAIYA,
Police Inspector, A Division,
Bangalore City.

Col. 4. On bail or recognisance — Nil

Col. 5. Property (including weapons) found with particulars of where, when, and by whom found and whether forwarded to Magistrate.

I. Dodballapur Kasaba Station property Form No. 38—39-40, dated 5th March 1940, and the properties noted therein, *viz.*,

(1) One Tussure silk open collar coat.
(2) One Tussure silk waist coat.
(3) One black striped blue shirt.
(4) Do collar.
(5) One neck tie.
(6) One white banian.
(7) One white handkerchief.
(8) One iron key.
(9) Cash of one anna and six pies.
(10) One cotton rope, 5 feet.
(11) One coir rope, 31 feet 8 inches
(12) One yellow coloured lead penci
(13) One "Tiku" Fountain pen.

II. Property Form and search list No. nil, dated 8th March 1940 of C.3 Station, Civil and Military Station, Bangalore, and the Motor driving licenses No. 2451/39, noted therein.

III. Property Form and search list No. nil, dated 8th March 1940 of C.3 Station, Civil and Military Station and the pronote dated 25th May 1933, for Rs. 2,000 and the consideration receipt for the same noted therein.

IV. Property Form No. 1 of 39-40, dated 8th March 1940, and the connected mahazar and the handkerchief noted therein.

V. Property Form No. 2—39-40, dated 8th March 1940 and the motor van No. Mys—A548 described therein.

VI. Report dated 9th March 1940, to the City Magistrate and the shirt and panche seized from A1's person under his orders.

VII. Property Form No. 33-3—39-40, dated 10th March 1940, with the connected mahazar and (1) one pair of sandals, (2) a lace turban, (3) one black mahagony walking stick, and (4) one small bakelite ash tray noted therein.

VIII. Property Form No. nil with search list dated 10th March 1940 of C. 3 Station, Civil and Military Station and (1) the motor car No. B. A. 3246, (2) two bakelite sleeve sockets, and (3) the Petrol Indent book described therein.

IX. Property Form No. 4—39-40, dated 12th March 1940 and the connected mahazar dated 11th March 1940 and two sealed packets, one containing a dark green kerchief and another cotton waste and two cardamoms noted therein.

X. Property Form No. nil and search list dated 12th March 1940 of C. 3 Station, Civil and Military Station, and the dark green piece of cloth noted therein.

XI. Property Form No. 5—39-40, and the Petrol Indent Chit No. 1064, dated 3rd March 1940, produced on 12th March 1940 by A. Prakash of V. T. Padmanabhan's petrol pump.

XII. Property Form No. 6—39-40, and the indemnity bond dated 26th May 1933 executed by A6.

XIII. Property Form No. nil with search list dated 15th March 1940 of C.3 Station, Civil and Military Station, Bangalore, and a sealed packet containing water proof coat, described therein.

XIV. Property Form No. 7, dated 17th March 1940, and the brass lock and key and the office accounts book noted therein.

XV. Property Form No. 8—39-40, and the general indent book (1,051-1,100) of V. T. Padmanabhan's petrol bunk as described in the property Form.

XVI. Property Form No. 9—39-40, and (1) Petrol indent foils 1651 to 1659, (2) Temporary voucher dated 3rd March 1940, (3) Petrol Indent foil 1660.

XVII. Report dated 19th March 1940, made to the City Magistrate, Bangalore, to open the sealed water proof coat.

XVIII. Property Form No. 10—39-40, dated 20th March 1940 and the lace turban described therein.

XIX. Approval book containing entries dated 28th May 1938 of Isardas and brother. P. F. No. 11—39-40.

REMAND ORDERS.

XX. 1. Dated 8th March 1940 of M. M., C. & M. Station, Bangalore.
2. Dated 9th March 1940 of the City Magistrate, Bangalore.
3. Dated 11th March 1940 of the City Magistrate, Bangalore.
4. Dated 16th March 1940 of the City Magistrate, Bangalore.
5. Dated 19th March 1940 of the First Magistrate, Bangalore.
6. Dated 19th March 1940 of the Ex. Officio First Class Magistrate, Bangalore Sub-Division.
7. Dated 21st March 1940 of the First Magistrate, Bangalore.

XXI. 1. Chemical Examiner's Certificate No. C. 48—60, dated 13th March 1940.

2. Chemical Examiner's Certificate No. C. 49—61, dated 13th March 1940. The 4 sample seals of the seal used for sealing item Nos. 1 and 2 in P. F. No. 4, dated 12th March 1940 on 11th March 1940 and the two reports dated 12th March 1940 of the "A" Division Inspector, to the District Superintendent of Police, Bangalore City, and references No. C. B. 732 and 734, dated 12th March 1940 of the Office of the District Superintendent of Police, Bangalore City, to the Chemical Examiner.

3. Chemical Examiner's Certificate No. 67—52, dated 16th March 1940 and reference No. 710, dated 16th March 1940, from the District Superintendent of Police, Bangalore City, to the Chemical Examiner and the two samples of the seal used to seal the water proof coat on 15th March 1940, and the Inspector's report dated 16th March 1940, to the City Superintendent of Police, Bangalore City.

XXII. Countersigned Post-mortem Certificate dated 7th March 1940 and Post-mortem Certificate dated 6th March 1940.

(Sd.) M. NARASIMHAIYA,
Police Inspector, "A" Division, Bangalore City. 5

COLUMN 6.

Names and addresses of witnesses and what point each is called on to prove.

1. *Mr. V. Venkatesiah*, Premier Book Company, Bangalore City.
   To speak to his complaint and to identify properties, etc. 10
2. *Mr. B. Narayana Rao*, 26, North Road, Basavangudi.
   To speak to the disappearance of Mr. M. Krishna Murthi, to the ill-feelings between the deceased and A1 and others and to identify properties, etc.
3. *Mr. G. K. Raghavendra Rao*, Advocate, Cottonpet, Bangalore City. 15
   To have identified the body of the deceased and the properties, to the strained feelings between the deceased and A1 and A6, and to the production of lock, key, turban, documents, etc., by him etc.
4. *Mr. S. Vasudeva Rao*, Clerk, Office of Mr. M. Krishnamurthi, Cottonpet, Bangalore City. 20
   To corroborate witness No. 3.
5. *Mr. Sriramalu*, Manager, Boy Scouts Office, Bangalore City.
6. *Mr. Vajapeyam Govindiah*, Cottonpet, Bangalore City.
7. *Mr. V. Mokshagundam*, son of M. Krishnamurthi, No. 26, North Road, Basavangudi. 25
8. *Mr. M. K. Rama Murthy*, son of Mr. M. Krishna Murthy, Door No. 26, North Road, Basavangudi.
9. *Gundamma*, wife of Mr. M. Krishna Murthy, do
   Witnesses 5 to 9 to have identified the body of the deceased and his properties, etc. 30
10. *Krishnaji Rao*, son of Nimboji Rao, office servant of the deceased, III Cross Road, Seshadripuram.
    To have last seen the deceased leaving his office on the night of 2nd March 1940 towards his house and to identify the clothes of the deceased, etc. 35
11. *Rama Rao*, son of Krishnoji Rao, Driver, II Main Road, Seshadripuram.
12. *H. K. Subbanna*, son of Keshava Murthi, No. 26, North Road, Basavangudi.
    Nos. 11 and 12 to identify the properties of the deceased, etc.
13. *Mr. D. Shama Rao*, Advocate, Balepet. 40
14. *Mr. D. Krishna Iyengar*, Advocate, Balepet.
15. *Mr. P. Gopalaraj Urs*, Advocate, I Main Road, Seshadripuram.
16. *Mr. P. Bheema Rao*, Advocate, Cottonpet.
    Witnesses Nos. 13 to 16 to speak to the strained feelings between the deceased on one side and A1 and A6 on the other and to identify properties, etc. 45
17. *Mr. Ahobala Nath*, Advocate, Civil and Military Station, Bangalore.
    Speaks to the strained feelings between the deceased and Narayana Reddi and others in connection with civil suits, etc.

18. *Mr. O. S. N. Sharif*, Advocate, Bangalore City, to say that feelings between the deceased and A6 were strained, etc.

19. *Mr. B. Shankar Rao*, Public Prosecutor, Civil and Military Station, Bangalore.

Speaks to having seen A6 in the Additional District Judge's Court, on 2nd March 1940 and to the strained feelings between the deceased and A6, etc.

20. *Mr. P. Medappa*, District and Session Judge, Civil and Military Station, Bangalore.

Speaks to the civil suit between A1 and Lakshmamma and the strained feelings between the deceased and A6, etc.

21. *Lakshmamma*, wife of Muninanjappa, Gandhi Nagar, Bangalore City.

22. *Kodandarama Reddi*, son of K. Muninanjappa, 147, Gandhi Nagar.

Nos. 21 and 22 to speak to the ill-will between them and A1, and also between A1 and the deceased in connection with civil suits, etc.

23. *Sharabhanna*, Sowcar, Attibele.

24. *R. Srinivasa Rao*, Clerk, Kannada Translator's Office, Bangalore.

25. *S. V. Krishna Murthi*, son of Mr. Varadachar, Steno-Typist, Additional Sub-Court, Bangalore.

Witnesses Nos. 23 to 25 speak to have seen the deceased last on the night of 2nd March 1940 on Hardinge Road, etc.

26. *S. Shama Rao*, son of Venkatakrishniah, Kankanhalli Road, Basavangudi.

27. *Y. S. Narayana*, son of Y. N. Shamanna, L. Gundappa's house, Guttahalli.

28. *Mr. M. S. Lakshmana Iyengar*, student, P. B. H., National High School, Shankarpur.

29. *Thimmiah*, son of Venkataramiah, driver under Mr. B. G. Ramakrishna Iyengar, Shankarpur.

30. *Chikka*, son of Honniah, driver under Mr. Deviriah, Shankarpur.

31. *Lingiah*, son of Lingegowda, peon under Dr. B. K. Narayana Rao, North Road, Basavangudi.

32. *M. Ananthaswamy*, Clerk, District Registrar's Office, Bangalore City.

33. *C. K. Srinivasa Murthy*, Assistant Secretary, Kannada Sahitya Parishat, Bangalore City.

34. *S. Venkatachalapathi*, Clerk, Kannada Sahitya Parishat, Bangalore City.

35. *D. S. Ramachandra Rao*, Clerk, Kannada Sahitya Parishat, Bangalore City.

36. *Lakshmanachar*, Uttaradi Mutt Buildings, Shankarpur.

37. *Dayananda*, son of Mr. B. P. Subbanarasimha Sastry, Shankarpur.

Witnesses Nos. 26 to 36 speak to the incident on the night of 2nd March 1940 in the National High School play-grounds, etc.

38. *Mr. Safi Darashah*, Sub-Division Officer, Dodballapur Sub-Division.

To speak to have learnt from Mr. Misri that Van No. Mys/A 548 had been borrowed from Mr. Misri by A1 on the evening of 2nd March 1940, etc., and to have given information of the same to the Police.

39. *Mr. C. J. Misri*, Rustom Bagh, Kodihalli, Bangalore Taluk.

To speak to have lent his Van No. Mys./A 548 to A1 on the evening of 2nd March 1940, etc.

40. *John*, servant under Mr. Misri, Rustom Bagh, Kodihalli, Bangalore Taluk.

To corroborate Mr. Misri, etc.

41. *George*, servant-boy under Mr. G. A. Tustin.

Speaks to have seen the Van Mys./A548 between Murugeshapalya and Rustom Bagh, going towards Bangalore on the evening of 2nd March 1940, etc.

42. *Mr. G. A. Tustin*, "Eventide," Kodihalli, Bangalore Taluk.

Corroborates the above witness and speaks to the Mahazar dated 11th March 1940, etc. (To be summoned to appear with his seal "G. A. T.")

43. *Abbiah*, son of Avaligadu, Adikarnataka, Murgeshapalya. 5

44. *Venkati*, wife of Maddura *alias* Muni Maddura.

Speaks to have seen A1 and A2 picking up A5 in the Van at Murugeshapalya on the evening of 2nd March 1940, etc.

45. *Munia*, son of Pungavanam, resident of Vardivaram near Tiruvannamalai now residing in Narayana Reddi's garden, working under Mr. Kalappa. 10

Speaks to have seen A3 taking A4 from A1's garden on the day of occurrence, etc.

46. *Nanjappa*, son of Venkatappa, Kodihalli, Bangalore Taluk.

Speaks to have seen A1 and A2 going towards Murugeshapalya in A1's car on the evening of 2nd March 1940, etc. 15

47. *Jeevaratnam*, son of Krishnaswami, Attender, Webb's Petrol Bunk, South Parade, Bangalore.

To speak to have supplied a gallon of petrol to Misri's van on the evening of 2nd March 1940 and to have seen A1 and A2 with the van, etc. 20

48. *Joseph*, son of M. A. Arogyaswami, Attender, Webb's Service, South Parade, Bangalore.

To speak to the supply of one gallon of Petrol to Misri's van on the evening of 2nd March 1940 and to produce Petrol Credit Bill Book and Cash Bill Book for March 1940, etc. 25

49. *A. Prakash*, Salesman, V. T. Padmanabhan's Petrol Bunk, Cavalry Road, Bangalore.

To speak to the purchase of two gallons of petrol twice on 2nd March 1940 by A2, etc., and to the production of Indent Chit No. 1064 and also to produce the Meter reading book and his Accounts book pertaining to the above sales, etc. 30

50. *T. Somasundaram*, son of Thulasingam, Noah Street, Blackpalli, Attender, V. T. Padmanabhan's Petrol Bunk, Cavalry Road, Bangalore.

To speak to the purchase of four gallons of Petrol for B. A. 3396 by A2 on the night of 2nd March 1940 and to the production of the General Indent book, etc. 35

51. *M. S. Narasimhachar*, Clerk, V. T. Padmanabhan's Petrol Supply, Head Office, "Lakshmi Vilas," Sankey Road, High Grounds, Bangalore City.

To speak to the production of Indent slips 1651 to 1659 (both inclusive), temporary voucher, dated 3rd March 1940 and Indent foil No. 1660, etc. 40

52. *Abdul Rahiman*, son of Abdul Shukur, Taxi-driver, No. 98, Brigade Road, Shoolay, C. & M. Station, Bangalore.

For having given his taxi B.A. 3396 to A1 for hire for Rs. 7-8-0 and to have handed it over to the charge of A2 on the night of 2nd March 1940, etc. 45

53. *Mohamed Ibrahim*, son of Mohamed Ghouse, 86, Chandi Chowk Road, C. & M. Station, Bangalore.

To have received the hire amount of Rs. 7-8-0 from witness No. 51, etc.

54. *Muniswamy*, son of Venkatappa, Railwaygate watchman, Yelahanka. 50

55. *Chikmuniswami*, son of Venkatappa, Yelahanka.

Vitnesses Nos. 53 and 54 to identify A2 driving car similar to B.A. 3396 on the night of 2nd March 1940 across the Level-crossing gate at Yelahanka, etc.

56. *Anjani*, son of Nanjappa, Virabhadranapalya, Dodballapur Taluk (Railway gate watchman.)

Speaks to have noticed car similar to B.A. 3396 passing through his Railway level crossing gate on the night of 2nd March 1940, etc.

5 57. *Sheik Mohaddin*, P. C. 282, Subramanya Ghati O. P., Dodballapur Taluk.

To speak to the finding of the body of the deceased, his report to his Station House Officer and to disposal of the body, etc.

58. *Mr. S. C. Krishnappa*, Sub-Inspector of Police, Dodballapur Kasaba
10 Station, Dodballapur.

To speak to the preliminary investigation in his Station Cr. No. 53—39-40, etc.

59. *Mr. H. M. Nurulla*, Inspector of Police, Dodballapur.

To speak to the further investigation of the case in Cr. No. 53—39-40
15 under Section 302, I. P. C., etc.

60. *R. Rangegowda*, Patel of Gunjoor, Dodballapur Taluk.

61. *Chinnanna*, Gollar, Agriculturist, Dodballapur Taluk (Gunjoor).

62. *Hanumanthachari*, Goldsmith, Subramanya Ghati, Dodballapur Taluk.

20 Witnesses 59 to 61 to speak to the examination of the dead body, etc.

63. *Dr. A. S. Krishnaswami*, Assistant Surgeon, Dodballapur.

To speak to the post-mortem examination conducted by him over the dead body of the deceased and issue of Post Mortem Certificate, etc.

64. *Mr. T. A. Mohan*, Prosecuting Inspector, C. & M. Station, Bangalore.
25 To identify the water-proof coat, etc.

65. *Ramaiah*, son of Muniswami, Dhobi, Agaram village, Bangalore Taluk. To identify the clothers of A1, etc.

66. *Kaveramma*, wife of Muniappa, No. 10., G. Street, Door No. 56, Jougupalyam.

30 To identify the clothers of A1, etc.

67. *Dhobi Ramiah*, son of Hanumantha, Tank Road, Cottonpet, Bangalore City.

68. *Venkatamma*, wife of witness No. 66.
Nos. 66 and 67 to identify the clothes of the deceased, etc.

35 69. *Mr. Hashmath Rai*, Silk-shop No. 19, Commercial Street, C. & M. Station, Bangalore.

70. *Ummaji Rao*, Tailor, No. 19, Commercial Street, Bangalore.

71. *Ahmed Beg*, Tailor, son of Rahim Beg, No. 72, Lakshmana Mudaliar Street, C. & M. Station, Bangalore.

40 72. *Mr. P. Krishna Das*, Subedar Chattram Road, Bangalore City.
Nos. 68 to 71, to identify the coat of the deceased, etc.

73. *Mr. H. Ahmed Khan*, Sub-Inspector of Police, 63, Ulsoor Police Station, C. & M. Station, Bangalore.

To speak to the arrest A1, A2, A3 and A4, and to the A1's house
45 search on 8-3-40, and the seizure of water-proof coat on 15-3-40, etc.

74. *Mohadin*, son of Mohammed, Tea Shop-keeper, Old Madras Road, opposite to Ulsoor Police Station.

75. *Seshiah*, Hotel-keeper, Ulsoor.

To speak to A1's house search on 8-3-40 and to the seizure of promissory
50 notes, consideration receipt therefrom, etc., and witness 73-Mohidin, also to speak to the seizure of dark-green cloth on 12-3-40 by A3's information, etc.

76. *Anniappa*, son of Muniswamappa, Doddakunte.

77. *Siddappa*, son of Papiah, Owner of Lorry No. 3504, No. 1, Siddappa's garden, Old Madras Road, Ulsoor.

78. *Narasappa*, son of Muniswamappa, Dhobi, G-Street, No. 16, and Door No. 6, Jougupalyam.

Nos. 75-77 to speak to the seizure of a water-proof coat on 15-3-40 on the information of Accused Rama, etc. 5

79. *A. Krishna Murthi*, Head Constable, Ulsoor Police Station, C. & M. Station, Bangalore.

For seizure of driving license No. 2451/39 of A2 on 8-3-40, seizure of car B.A. 3246, etc., on 10-3-40 and to the seizure of the dark-green cloth on 12-3-40, etc. 10

80. *P. Chinnappa*, son of Papanna, G.-Street, No. 5, Door No. 7, Ulsoor.

81. *H. Venkoba Rao*, son of Hemaji Rao, No. 7, A. Gurumurthy Street, C. & M. Station, Bangalore.

Nos. 79 and 80 to speak to the seizure of Car B.A. 3246, etc. 15

82. *Muniswamappa*, son of Narasimhappa, Banajigar, G.-Street, No. 6, Door No. 30, Ulsoor, Jougupalyam.

83. *Jekkappa*, son of Basappa, 13 G.-Street, Door No. 15, Milk-seller, Ulsoor.

Nos. 81 and 82 speak to the production of the dark-green cloth by A3 Muniga, etc. 20

84. *Muniswamappa*, Patel, Puttanahalli, Yelahanka Post.

85. *Thayappa*, son of Muniyappa, Puttanahalli, Yelahanka Post.

Nos. 83 and 84 to speak to the seizure of the white handkerchief on 8-3-40 on the information of A1 from the casuarina thope, etc.

86. *Mr. Mohamed Ahmed*, District Superintendent of Police, Bangalore District. 25

To corroborate witnesses Nos. 83 and 84.

87. *H. G. Shamanna*, Shanbhog, Hebbal, Bangalore Taluk.

88. *H. K. Ramiah*, Hebbal, Bangalore Taluk.

89. *M. Rame Gowda*, do 30

90. *Patel Sonnappa*, do

91. *Nanjappa*, son of Chikka Nanjundappa, Hebbal, Bangalore Taluk.

92. *Syed Peer*, son of Syed Khasim, Sepoy No. 560, First Battalion, Mysore Infantry, " A " Company, Hebbal.

93. *Syed Abdul Rahiman*, son of Noor Ahmed, Hebbal. 35

94. *Mr. Hyderalli Khan*, Sub-Inspector of Police, High Grounds Police Station, Bangalore City.

Nos. 86-93 to speak to the seizure of properties from Hebbal Tank, on the information of A2, etc.

95. *Muniswamappa*, son of Pullappa, Florist, Murugeshapalyam. 40

96. *Nagappa*, son of Chikkurulappa, Konena Agrahar, Bangalore Taluk.

Nos. 94 and 95 to speak to the seizure of blood-stained kerchief on 11th March 1940 on the information of A3 Muniga, etc.

97. *A. P. Virabhadrappa*, son of Pullappa, Setty, 42, Tank Road, Cottonpet, Bangalore City. 45

98. *Narasimiah*, son of Gopalappa, Carpenter, Tulla Venkata Rao's Lane, Bangalore City

Nos. 96 and 97 to speak to the production of brass lock, and a key and the office accounts book by Mr. G. K. Raghavendra Rao, etc.

99. *S. P. Thippiah Setti*, 302, Avenue Road, Bangalore City. 50

peaks to have sold the lock and keys produced by Mr. G. K. Raghavendra Rao, etc.

100. *Basappa*, Shop-keeper, No. 23, Tank Road, Cottonpet

Speaks to the production of the turban by Mr. Raghavendra Rao on 20th March 1940.

101. *Mr. S. P. Shamanna*, Advocate, Kottige Lane, Bangalore City.

5 Speaks to have seen A1 on 2nd March 1940 in the premises of the District Court, etc.

102. *Challaghatta Ramiah*, son of Yerappa, Chellaghatta, Bangalore Taluk.

Speaks to have seen A1 on 2nd March 1940 near the District Court, etc.

103. *Patel Lingappa*, son of Thimma, Reddy, Patel, Agara, Bangalore Taluk.

10 To speak to have seen A1 talking with A6 near the Additional District Judge's Court, on 2nd March 1940, etc.

104. *M. N. Subba Rao*, Bench Clerk, Additional District Judge's Court, Bangalore.

Speaks to have seen A1 and A6 in the Court on 2nd March 1940 and

15 about the civil suits filed by A1 and Lakshmamma, etc.

105. *Mr. Ambaji Rao*, son of Raghavendra Rao, Process Nazar, First Munsiff's Court, Bangalore.

To speak to the enquiries made by A1 on 2nd March 1940 about the attachment of his car, etc.

20 106. *S. Munippa*, Execution Clerk, District Judge's Court, Bangalore.

Speaks about the enquiries made by A1 on 2nd March 1940 about the attachment of his car, etc.

107. *Chikveerappa*, son of Puttiah, Vibhutipura, Bangalore Taluk.

Speaks to have informed A2 regarding the attachment of A1's car by

25 Court on 2nd March 1940, etc.

108. *P. Krishniah*, Contractor, No. 7, Chinnaswami Mudaliar Road, Tasker Town, Civil and Military Station, Bangalore.

To speak to the pro-note and the consideration receipt, dated 25th May 1933 and the Indemnity bond, dated 26th May 1933, etc.

30 109. *K. V. Ramachandriah*, son of Vallabharayappa, Door No. 513, Visveswarapuram, Bangalore City.

To speak to the circumstances connected with the alleged Will, etc.

110. *Nanja Reddi*, son of Gurappa, Landlord, Appireddipalya.

111. *Chikkanniah Reddy*, son of Thippa Reddi, Appireddipalya.

35 Nos. 109 and 110 to speak to the condition of A1's father before his death.

112. *Mr. Sharma*, Bench Clerk, District and Sessions Judge's Court, Civil and Military Station, Bangalore.

To speak to certain documents filed in O. P. 47—1939 and O. S. 38—

40 1939.

113. *Obliga*, Thoti, Gunjoor.

114. *Kunta Obliga*, Thoti, Gunjoor.

For having kept watch over the body of the deceased, etc.

115. *Mr. T. K. Narayana Murthi*, Sub-Inspector of Police, Central Police

45 Station, Bangalore City.

116. *Mr. M. R. Seshiah*, Sub-Inspector of Police, Kengeri Gate Police Station, Bangalore City.

Nos. 114 and 115 speak to the complaint of the disappearance of the deceased made to them, etc.

50 117. *Mr. Kalliah*, Indian Artillery, Civil and Military Station, Bangalore.

For having sold car No. B.A. 3246 to A1, etc., and to identify the same.

118. *Mr. K. S. Ramanna*, Inspector of Police, Bangalore City.
For having done part of the investigation of the case and to have taken sealed packets, etc., to the Chemical Examiner.

119. *Gopala Nair*, Daffedar, No. 53, Bangalore City.
For having taken the sealed water-proof coat to the Chemical Examiner, etc.

120. *Mr. Akbar Ali*, Clerk, Office of the City Superintendent of Police, Bangalore City.
For having sent the articles sent by the Inspector of Police, 'A' Division, to the Chemical Examiner, and sent them back to 'A' Division Inspector, on receipt of them from the Chemical Examiner, etc. 10

121. *Mr. M. Ramaswamiah*, City Magistrate, Bangalore City.
To speak to the confession made by A1.

122. *Mr. H. Krishnachar, Ex-officio* First Class Magistrate, Bangalore Sub-Division, Bangalore City. 15
For having recorded the confession statement of A1.

123. *Mr. M. Wynne*, District Superintendent of Police, Bangalore City.
For having given information of Mys./A. 548, etc.

124. *Mr. M. V. V. Naik*, District Superintendent of Police, Railways and C. I. D. in Mysore, Bangalore. 20
To corroborate the above witness.

125. *Mr. M. Narasimhiah*, Inspector of Police, 'A' Division, Bangalore City.
To speak to the investigation of the case.
As the investigation is not complete, supplemental list of witnesses will be submitted. 25

BANGALORE CITY,
23rd March 1940.

(Sd.) M. NARASIMHAIYA,
Inspector of Police, 'A' Division, Bangalore City.

COLUMN 7.

Charge or information. Name of offence and circumstances with it in 30 oncise detail and under what section of law charged.

Sections 302, 364, 341, 342, 465 and 201, I. P. C.

That all the aforesaid accused on the night of 2nd March 1940 at or about the play-grounds adjoining the National High School, Bangalore City, did abduct, wrongfully confine and commit murder of Mr. Mokshagundum Krishnamurthi, in 35 furtherance of the common intention of all, with a view to conceal the offences of forgery, etc., committed by accused Nos. 1 and 6, in respect of a Will supposed to have been executed by one Muninanjappa, father of the 1st Accused and with such intention as to screen all such persons as may be implicated from legal punishment for the offences hereunder set forth. 40

The aforesaid several persons united with a common purpose and with a common intention and instigated, countenanced, encouraged and ensured and successfully did commit the murder of the aforesaid Mr. Mokshagundam Krishna Murthi.

It is learnt that it was part of the common design of all the aforesaid accused 45 persons to commit murder and to screen each other from all the offences that they or each one have committed from the consequences of legal punishment.

Hence this final report under Sections 302, 364, 201, 341, 342 and 465, I. P. C.

BANGALORE CITY,
23rd March 1940.

(Sd.) M. NARASIMHAIAH,
Inspector of Police, 50
"A" Division, Bangalore City.

Charge sheet produced by the Prosecuting Inspector. Register the case against the accused under Sections 302, 364, 341, 342, 465 and 201, I. P. C. Case posted to 3rd April 1940. Accused 3, 4, 5, 6 produced under Police custody and 1 and 2 from Central Jail. They are all remanded to the Central Jail till the date of next hearing. Mr. C. V. Narasimha Iyengar moves for bail on behalf of the 6th accused. He is told that it may be moved before the jurisdiction Magistrate. The properties have been asked to be produced on the next working day, *viz.*, 25th instant.

(Id.) Y. S.,
F. M.
23-3-40.

Filed by the Prosecution to-day.

(Id.) Y. S.,
3-4-40.

Supplemental list of witnesses in C1, Cr. No. 122 of 1939-40, Bangalore City.

1.	*S. Subba Rao*, Process server, 1st Munsiff's Court, Bangalore City.	Speaks to the warrant of attachment issued for A1's car in O. S. 11/37-38 Ex. No. 70/39-40, etc.
2.	*Mr. G. Muddappa*, Advocate, Tumkur.	Speaks to the endorsement made on the warrant of attachment by the deceased and to the strained feelings between the deceased and A6, etc.
3.	*Mr. B. M. Shamanna*, G-Street, No. 1, Door No. 59 to 61, Ulsoor, C. & M. Station.	Speaks to the presence of A6 near A1's house, etc.
4.	*Mr. Marappa*, son of Munisamappa, Door No. 63, G-Street, No. 1, Ulsoor.	
5.	*A. N. Munisamappa*, son of Narasimhappa, Door No. 30, G-Street, No. 6, Ulsoor.	Speaks to the meeting of A1 and A6 near A 1's houses, etc.
6.	*Mr. M. Gurumurthi*, son of Pillia Gandhinagar, Bangalore City.	Speaks that A1's father Munindnjappa had not left any Will and that he was unconscious prior to his death and also to the fixed deposits made in the Mysore Bank on 5th November 1934, etc.
7.	*Hoskote Nanjundappa*, son of Beerappa, G-Street, No. 3, Door No. 3, Door No. 2, Ulsoor.	Speaks to the condition of K. Muninanjappa prior to his death, etc.
8.	*Mr. Murti*, Sub-Overseer, Bangalore City Municipality.	Speaks to the preparation of sketch of the scene of occurrence near the National High School Play Ground, etc.
9.	*Mr. J. Rama Rao*, Sub-Overseer, No. 2 Sub-Division, Dodballapur.	Speaks to the preparation of the sketch showing the position, etc., of the road where the dead body of the deceased was found, etc.
10.	*Mr. R. Mohamed Izak*, Revenue Inspector, Varthur Hobli.	For having prepared sketches of Survey No. 7 at Konena Agrahara village, Bangalore Taluk, etc.
11.	*Mr. Syed Abdul Khuddus*, Revenue Inspector, Yelahanka Hobli.	For having prepared the sketches of the casuarina plantation at Puttanahalli village (Survey No. 46), etc.
12.	*Mr. B. Vasudeva Murti*, Advocate, Chikpet, Bangalore City.	Speaks to his letters dated 28th May 1935 and 11—12th November 1935 to A1 and A6 respectively, etc.

13.	*Mr. G. Srinivasa Iyengar*, Clerk, Fixed Deposit Section (Now Passing Officer), Mysore Bank, Bangalore.	Speaks to the Bank correspondence and to his having copied out a portion of the will, etc.
14.	*Mr. Y. S. Venkatachala Sastri*, Clerk, Mysore Bank, Bangalore.	Speaks to his having copied out a portion of will as per instructions of P. W. 13, etc.
15.	*Mr. T. M. S. Subramanyam*, Assistant Manager, Bank of Mysore, Bangalore.	Speaks to the Fixed Deposits made on 5th November 1934, etc., to the signature of A-6, etc.
16.	*Mr. V. V. Srinivasa Iyengar*, Fixed Deposit Supervisor, Mysore Bank, Bangalore.	To produce the Fixed Deposit Register and their chellans, etc.
17.	*Syed Yusuf*, son of Syed Hussain, Door No. 8, Longford Road, Milkman's Street, Akkithimmanahalli, C. & M. Station, Bangalore.	Speaks to the movements of A-6 in his taxi on the morning of 2nd March 1940, etc.
18.	*Mr. Y. Srikantiah*, First Magistrate, Bangalore.	Speaks to the opening of sealed packet containing water proof coat on 19th March 1940, etc.
19.	P. C. 231, *Syed Jaffar*	Speak to their watch near the Hebbal Tank, etc.
20.	P. C. 23, *Sattar*	
21.	P. C. 382, *Thimmarayappa* (all of Bangalore City.)	
22.	*Thimmiah*, Police Photographer, Bangalore City	For having taken out photos of cars Nos. Mys. A-548, B. A. 3246; and the spot at Makalidurga, etc.

The following records may kindly be summoned:—

1. From the Court of the Additional District Judge, Bangalore.—(i) Mis. 188—38-39; (ii) Mis. 191—38-39; (iii) O. S. No. 11 of 37-38 (including the records connected with Mis. A. P. No. 1—39-40) on the file of the High Court; (iv) Mis. 257—38-39/O. S. No. 10—39-40.

2. From the Court of the District and Sessions Judge, Civil and Military Station, Bangalore—O. P. 47—39/O. S. 38—1939.

3. Mis. 67—35-36 on the file of the District Judge, Bangalore Division.

4. Records connected with the execution proceedings in Execution No. 70 of 1939-40.

LIST OF ENCLOSURES.

1. Four copies each of sketches dated 18th March 1940, 25th March 1940, 26th March 1940, 27th March 1940 and 18th March 1940 with the connected references.

2. Photos of cars Nos. Mys. A-548, B. A. 3246; and the spot at Makali durga.

3. Petition dated 27th June 1936, of Lakshmamma to the Commissioner of Police, Bangalore Cantonment.

4. Mahazar dated 9th March 1940.

(Sd.) M. NARASIMHAIYA,

Inspector of Police,

"A" Division, Bangalore City.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE BANGALORE.

BANGALORE SESSIONS CASE No. 30—39-40.

Name—K. M. Narayana Reddy. A1.
Race } Reddy.
Religion }
Age—26 years.
Father's name—K. Muninanjappa.
Residence—22, Cambridge Road, Bangalore Cantt.
Occupation—Contractor.

Q.—You have heard the statement given by you in the lower Court and now marked as Exhibit P249 read out. Have you anything to say in respect thereof?

A.—Yes. It is true I have given such a statement.

Q.—The City Magistrate has deposed that you gave before him the statement which is now marked as Exhibit P107. That statement was read out to you by me now. Have you anything to say in respect of this?

A.—It is true that I have given the statement Exhibit P107. I gave it before the City Magistrate.

Q.—Evidence has been adduced to show that you took Mr. Misri's van on 2nd March 1940 and went with A2, A3, A4 and Ponnambalam to the National School field and that there you caught hold of Mr. Mokshagundam Krishna Murthy and put him in the van. What do you say regarding this?

A.—I have filed my statement in respect of this matter. I have heard it read out to me now. It is correct and I have nothing more to say.

(Sd.) K. M. NARAYANA REDDI.

Certified that the above examination of K. M. Narayana Reddy, accused, was taken in my presence and in my own hearing and the record contains full and true account of the statement made by the said K. M. Narayana Reddy.

(Sd.) A. SUNDARARAJA RAO,
30-7-40.

Dated the 30th day of July 1940.

IN THE COURT OF THE SPECIAL ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Government. *Vs.* Narayana Reddy and others.

In addition to what I have stated in my statement before the City Magistrate and what I have stated orally, I beg to file the following statement :—

Filed in Court by the 1st accused.

(Id.) A.S.R.
Second Additional Sessions Judge.
30-7-40.

1. I bore no ill-will to late Mr. Krishna Murthy. My mother is a stubborn lady and had taken up an uncompromising attitude (though I still assert that the Will is a genuine one). If she accepted anybody's advice it was Mr. Krishna Murthy's. He alone could compromise the disputes but on account of his enmity towards S. K. Venkataranga Iyengar, he would not. It is true on 2nd March 1940 I was provoked as stated before the City Magistrate but it was my intention only to threaten Mr. Krishna Murthy with a vague notion that he may compromise the cases or atleast that he may not give room for allegations affecting our family

reputations. I wanted to take him to the *Rao Bahadur* Venkataswamy Naidu's Estate in the Anekal Road and leave him there after abusing him and ourselves come away ahead and reach our homes.

With that view I asked my servants to put Mr. Krishna Murthy into the van. I did not take the double barrel gun. Nor did I take or got to be taken any ropes. I did not say ತೀರಿಸಿಬಿಡಬೇಕು, etc., (must be finished) and I never talked to my servants in Kanarese. As I thought I may be covering about 20 to 25 miles I put only one gallon of petrol into the van. It is true that I reversed the van once in the National High School grounds but it was only to obstruct Mr. Krishna Murthy.

Once he was put into the van, I was oblivious of everything but to dash away to the Anekal Road at terrific speed which I reached in 3 or 4 minutes and proceeded towards *Rao Bahadur* Venkataswamy Naidu's Estate. I stopped the van and asked my servants to bring Krishna Murthy out. They then said "ಪ್ರಾಣಂ ಎಕ್ಕಡಯ್ಯ ಉಂದಿ, ಬಂಡಿಲೋಕಿ ವೇಸ್ತುನೇ ವಾನಿ ಪ್ರಾಣಂ ಪೋಯಿಂದಿ" (Where is life? Immediately after he was put into the van his life became extinct). I abused my servants "ಲಂಜಾಕೊಡಕುರಾ ಎಂದುಕುರಾ ಅಂತ ಒರಟುಗಾ ವೇಸ್ತಿರೀ, ಮೀರು ನಾ ಮನಿಷಿಲು ಕಾದು, ನಾ ಶತ್ರುವುಲು" (Rascals, Why did you put him so roughly? You are not my men: you are my enemies). I believed that Mr. Krishna Murthi had died of shock and his death was accidental. It was only when the case was being investigated by the Police that I heard that a rope was found round Mr. Krishna Murthy's neck.

Soon after I learnt that Mr. Krishna Murthy was dead, I became panicky and did not know what to do. I first got the body hid in the tope near Konanagrahar. Then I changed my mind and got it removed to near Puttanahalli. After coming to Bangalore I was still puzzled. So I sent Ponnambalam to remove the dead body elsewhere. I never saw the dead body of Krishna Murthy. It was dark and except at Misry's Estate where I changed into his van and back again to my car, I was seated at the steering wheel from the time I left my house till I returned home that night.

It is not true that I pointed out the spot at which the dead body was placed near Puttenahalli Village. It is Ponnambalam that did it. Nor is the kerchief produced into Court mine. I knew only the place in the main road where I had stopped the car that night.

I am struck with horror at the death of Mr. Krishna Murthy. But I never intended it nor did I expect that anything of the kind would happen. Even such intentions as I had and such acts as I did, I know are wrong but I was the victim of circumstances. I am now full of remorse, have stated the whole truth and throw myself at the mercy of the Court.

(Sd.) G. R. Ethirajalu Naidu,

Advocate for first accusea.

BANGALORE,
30th July 1940.

(Sd.) K. M. Narayana Reddy,

First Accused.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Government of Mysore. *Vs.* K. M. NARAYANA REDDY and four others.

Name of accused—K. M. Narayana Reddy.
Father's name—K. Muninanjappa.
Caste—Reddy.

The accused having been asked whether he means to adduce evidence states—I have got witnesses to depose in my favour.

(Sd.) K. M. NARRYANA REDDY.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
30-7-40.

Later on A1 states—

I am not going to examine the witnesses.

(Sd.) K. M. Narayana Reddy.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
30-7-40.

The accused having been called on to enter upon his defence states—

I have nothing more to say.

(Sd.) K. M. Narayana Reddy.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
30-7-40.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Name—Muniga. A2. Dated 30th July 1940.
Race } Adikarnataka: about 30 years.
Religion }
Father's name—Kadariga.
Resident of—Appireddypalya, Ulsoor.
Occupation—Mali under A1.

Q.—Have you given a statement as per Exhibit P 250 in the lower Court?

A.—Yes. It is true I have given such a statement.

Q.—Evidence has been adduced to show that you went with Accused 1, 3 and 4 and Ponnambalam in M. O. 4 motor van and that you all combined and caught hold of Mr. Mokshagundam Krishna Murthy and put him in the van in the National School field. What do you say for this?

A.—I had not gone with them.

Q.—They say that you pointed out M. Os. 11 and 31 to the Police. What do you say for this?

A.—I did not point them out.

Q.—They say that you are working under A1. What do you say for this?

A.—It is true that I was working under A1. I have nothing more to say.

Left thumb mark of Muniga.

Certified that the above examination of Muniga, accused, was taken in my presence and in my own hearing and the record contains full and true account of the statement made by the said Muniga.

(Sd.) A. SUNDARARAJA RAO,
30-7-40.

Dated the 30th day July 1940.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Government of Mysore. *Vs.* K. M. Narayana Reddy and 4 others.

Name of accused—Muniga.
Father's name---Kadariga.
Caste—Adikarnataka.

The accused having been asked whether he means to adduce evidence states—
I have no witnesses to depose in my favour.

L. T. mark of Muniga. 10

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
30-7-40.

The accused having been called on to enter upon his defence states--
I have not got to say anything more. 15

L. T. mark of Muniga.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
30-7-40.

20

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Name—Rama. A3. 25
Age—45 years. Date 30th July 1940.
Race } Adikarnataka.
Religion }
Father's name—Muniga.
Residence—Motappanapalya, Bangalore. 30
Occupation—Servant under A1.

Q.—Have you given the statement marked as Exhibit P. 251 in this court, in the Lower Court.
A.—Yes. I have given such statement.
Q.—Have you got anything to say now? 35
A.—I do not know anything.
Q.—Evidence has been adduced to show that you, Accused 1, 2 and 4 and Ponnambalam caught hold of Mokshagundam Krishna Murthy and put him in the van M. O. No. 4. What have you got to say for this?
A.—I do not know anything.
Q.—Evidence has been adduced to show that you showed M. O. No. 2, the over-coat to the Police. What do you say for this? 40
A.—I did not show anything. I do not say anything.

Left thumb mark of Rama.
Accused 3.

Certified that the above examination of Rama, accused, was taken in my presence and in my own hearing and the record contains full and true account of the statement made by the said Rama. 45

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
30-7-40. 50

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 of 1939-40.

Government of Mysore. *Vs.* K. M. Narayana Reddy and 4 others.

5 Name of accused—Rama.
Father's name—Muniga.
Caste—Adikarnataka.

The accused having been asked whether he means to adduce evidence states—
I have no witness to depose in my favour.

10

Left thumb mark of Rama.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
30-7-40.

15

The accused having been called on to enter upon his defence states—
I have nothing more to add.

Left thumb mark of Rama.

(Sd.) A. SUNDARARAJA RAO,
20 *Second Additional Sessions Judge,*
30-7-40.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 39-40.

25 A4.
Dated 30th July 1940.

Name of accused—Maddura *alias* Munimaddura.
Age—30 years.
Race } Adikarnataka.
Religion }
30 Father's name—Avaliga.
Residence—Murgeshapalya, Bangalore.
Occupation—Cooly.

Q.—Have you given in the Lower Court a statement as in Ext. P 252?

A.—Yes. It is true that I have stated so.

35 *Q.*—Evidence has been adduced to show that you and A1, 2 and 3 and Ponnambalam joined together, caught hold of Mokshagundam Krishna Murthy and put him into the van M. O. 4. in the National School field. What do you say for this?

A.—I have not done anything.

40 *Q.*—Have you got anything more to say?

A.—I have nothing to say.

Left thumb mark of Maddura *alias* Munimaddura.

Certified that the above examination of Maddura *alias* Munimaddura, accused, was taken in my presence and in my own hearing and the record contains full and
45 true account of the statement [illegible]y the said Maddura *alias* Munimaddura.

(Sd.) A. SUNDARARAJA RAO,
30-7-1940.

Dated the 30th July 1940.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

B. S. C. No. 30 of 39-40.

Government of Mysore *Vs.* K. M. Narayana Reddy and 4 others.

Name of accused—Maddura *alias* Munimaddura. 5
Father's name—Avaliga.
Caste—Adikarnataka.

The accused having been asked whether he means to adduce evidence states—
I have no witness to depose for me.

Left thumb mark of Maddura *alias* Munimaddura. 10

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
30-7-1940.

The accused having been called on to enter upon his defence states—
I have not got anything more to add. 15

Left thumb mark of Maddura *alias* Munimaddura.

Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
30-7-1940.

20

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

Bangalore Sessions Case No. 30 of 1939-40.

Name of accused—S. K. Venkataranga Iyengar. A5.
Age—40 years. 25
Race } Brahmin.
Religion }
Father's name—Krishna Iyengar.
Residence—Gandhinagar, Bangalore City.
Occupation—Advocate. 30

Q.—Have you given a statement in the Lower Court as per Ex. P 253?
A.—Yes. It is true that I have given such a statement.
Q.—Some evidence has been adduced to show that you were instigating the 1st accused to disgrace Mokshagundam Krishna Murthy. What do you say for this? 35
A.—This is absolutely false.
Q.—Evidence has been adduced to show that on 2nd March 1940 you met A1 in this Court building, that you talked with each other and that you then instigated A1 to kidnap Krishna Murthy. What do you say regarding this? 40
A.—As I have already stated in my statement in the Lower Court in this matter, I never saw A1 on 2nd March 1940 nor did I see him in the Court.
Q.—Have you anything more to say?
A.—I have nothing more to say. 45

(Sd.) S. K. Venkataranga Iyengar.

Certified that the above examination of S. K. Venkataranga Iyengar, accused, taken in my presence and in my own hearing and the record contains full true account of the statement made by the said S. K. Venkataranga ıgar. 50

(Sd.) A. SUNDARARAJA RAO,
30-7-1940.

Dated the 30th day July 1940.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Complainant. *Vs.* *Accused.*

5 Government of Mysore. K. M. Narayana Reddy and others.

Name of the Accused—Maddura *alias* Muni Maddura. (A4).
Age—30 years.
Race } Adikarnataka.
Religion }
10 Father's name—Avaliga.
Resident of Murugesha Palya.
Occupation—Cooly.

1-7-40.

The charges were read out and explained to the accused. He states as
15 follows:—

"ನಾನು ನಿರಪರಾಧಿ. ನಾನು ಒಂದೂ ಕಾಣೆ."

Left Thumb Mark of Maddura *alias* Muni Maddura.

Certified that the above examination of Maddura *alias* Muni Maddura, 4th accused, was taken in my presence and in my own hearing and that the record
20 contains full and true account of the statement made by the said Maddura *alias* Muni Maddura.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
Bangalore.

25 Dated the 1st day of July 1940.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

Complainant. *Vs.* *Accused.*

30 Government of Mysore. K. M. Narayana Reddy and others.

Name of the Accused—S. K. Venkataranga Iyengar (A5).
Age—40 years.
Race or Religion—Brahmin.
Father's name—Krishna Iyengar.
35 Resident of Gandhi Nagar, Bangalore City.
Occupation—Advocate.

1-7-40.

The charges were read out to the accused. He states as follows:—

"I am not guilty of any such offences."

40 (Sd.) S. K. VENKATARANGA IYENGAR.

Certified that the above examination of S. K. Venkataranga Iyengar, 5th accused, was taken in my presence and in my own hearing and that the record contains full and true account of the statement made by the said S. K. Venkataranga Iyengar.

45 (Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge
Bangalore.

Dated the 1st day of July 1940.

IN THE COURT OF SESSIONS, BANGALORE DIVISION, BANGALORE.

BANGALORE SESSIONS CASE No. 30/39-40.

PLANS.

Exhibit P1.

Route plan prepared by P.W. 1.

Exhibit P2.

Another plan prepared by P.W. 1.

Ext. P2 (a)—A spot.

Exhibit P3.

Plan prepared by P.W. 2.

Exhibit P4.

Another plan prepared by P.W. 2.

Exhibit P5.

Plan showing the position of the roads, the place where the dead body was thrown and the place where the car was turned back, prepared by P.W. 3.

Exhibit P6.

Sketch of Survey No. 7 of Konena Agrahar village, the place where the dead body of Mr. Mokshagundam Krishna Murthi was kept for some time, and the place where the dark green cloth and cotton waste were found. This was prepared by P.W. 4.

Exhibit P7.

R/4-3-40—In person through Thoti Poojiga, 3-30 P.M.

(Sd.) not clear.

To—The Range Police Officer, Dodballapur Kasaba.

Report of Sheik Mohidin, Constable No. 282 of Subbarayan Ghati Out-Post.

This morning at about 11 O'clock, having heard some people coming from the side of Makali Railway Station talking that some dead body of a male has been lying in the said road by the side of the Ghati Road and at a distance of about a furlong and a half from Makali Gate, I went to the spot and found a dead body of a male lying near the Makali Gate and by the side of the Ghati Road. It appears as though blood has oozed out from a wound on the head. There is no turban or any other dress on the head. There is a shirt, a waist-coat and a coat on the body. There appears to be a sacred-thread in its neck. A rope has been tied to the neck and to both the legs. There are some traces to show that a motor car which came from Bangalore side in this road went back towards Bangalore after taking a turn, a little distance further away from the place where the corpse is found. I have been keeping watch over the corpse with the aid of the Patel and Thoti of Gunjur village. The Daffedar who went to Ujjani in connection with the inquest has not yet returned. There have appeared some 'ಬೊಬ್ಬೆಗಳು' on the dead body and the corpse is emitting profuse bad smell. It is requested that you may kindly go over to the spot immediately.

Dated 4th March 1940.

(Sd.) SHEIK MOHIDIN.

Exhibit P8.

43—547 No. 247—38/293

BANK OF MYSORE, LTD.

5th November 1934.

006296

Wanted a Fixed Deposit Receipt in favour of Srimathi Lakshmamma, 22, Cambridge Road, Ulsoor, Jougupalyam, Bangalore Cantt., for Rupees Ten Thousand only, for twelve months at 3 per cent per annum.

Form No. 105—5,000.

Particulars.	Rs.
Silver and Copper—	
Notes	10,000
Cheques on Banks.	...
Cheques on Local Banks ...	...
Total ...	10,000

Signed by M. Gurumurthy*—Applicant.

(Intld.) Illegible.

(Sd.) G. N. Ganganna.

Entered (Initials not clear).

Cashier (Signature not clear)

Accountant (Initials not clear).

Manager (Initials not clear).

*Exhibit P8 (a).

Exhibit P9.

43—456 No. 248—38/292.

BANK OF MYSORE, LIMITED.

Dated 5th November 1934.

006295.

Wanted a Fixed Deposit Receipt in favour of K. M. Komalamba, minor by guardians K. Muninanjappa and Srimathi Lakshmamma (E. or S.) for Rupees five thousand only for twelve months at 3 per cent per annum.

(Intd.) Illegible.

Signed by M. Gurumurthy—Applicant.

Form No. 105—5,000.

Particulars.

	Rs.
Silver and Copper ...	...
Notes	5,000
Cheques on Banks ...	...
Do Local Banks	...
Total ...	5,000

(Sd.) G. N. Ganganna.

Entered (Initials not clear.)

Cashier (Signature not clear.)

Accountant (Initials not clear.)

Manager (Initials not clear.)

Exhibit P10.

40—455 No. 249—38/291.

BANK OF MYSORE, LIMITED.

Dated 5th November 1934.

006299.

Wanted a Fixed Deposit Receipt in favour of K. M. Meenakshi, minor by guardians K. Muninanjappa and Srimathi Lakshmamma (E. or S.) for Rupees five thousand only for twelve months at 3 per cent per annum.

(Intd.) Illegible.

Signed by M. Gurumurthy—Applicant.

Form No. 105—5,000.

Particulars.

	Rs.
Silver and Copper ...	...
Notes	5,000
Cheques on Banks ...	...
Do Local Banks	...
Total ...	5,000

(Sd.) G. N. Ganganna.

Entered (Initials not clear.)

Cashier (Signature not clear.)

Accountant (Initials not clear.

Manager (Initials not clear.)

Exhibit P11.

43—454 No. 250—38/290.

BANK OF MYSORE, LIMITED.

Dated 5th November 1934.

006297.

Wanted a Fixed Deposit Receipt in favour of K. M. Sharadamma, minor by guardians K. Muninanjappa and Srimathi Lakshmamma (E. or S.) for Rupees fifteen thousand only for twelve months at 3 per cent per annum.

(Intd.) Illegible.

Signed by M. Gurumurthy—Applicant.

Form No. 105—5,000.

Particulars.

	Rs.
Silver and Copper ...	...
Notes ...	15,000
Cheques on Banks ...	...
Do Local Banks	...
Total ...	15,000

(Sd.) G. N. Ganganna.

Entered (Initials not clear.)

Cashier (Signature not clear.

Accountant (Initials not clear.)

Manager (Initials not clear.)

Exhibit P12.

43—453 No. 251—38/289.

BANK OF MYSORE, LIMITED.

Dated 5th November 1934.

006300.

Wanted a Fixed Deposit Receipt in favour of K. M. Madhava Reddy, minor by guardians K. Muninanjappa and Srimathi Lakshmamma (E. or S.) for Rupees ten thousand only for twelve months at 3 per cent per annum.

(Intd.) Illegible.

Signed by M. Gurumurthy—Applicant.

Form No. 105—5,000.

Particulars.	Rs.
Silver and Copper ...	...
Notes ...	10,000
Cheques on Banks ...	...
Do Local Banks '	...
Total ...	10,000

(Sd.) G. N. Ganganna.

Entered (Initials not clear.)

Cashier (Signature not clear.)

Accountant (Initials not clear.)

Manager (Initials not clear.)

Exhibit P13.

BANK OF MYSORE, LIMITED.

43—452 No. 252—38/288.

Dated 5th November 1934.

006298.

Wanted a Fixed Deposit Receipt in favour of K. M. Janarthana Reddy, minor by guardians K. Muninanjappa and Srimathi Lakshmamma (E. or S.) for Rupees ten thousand only or twelve months at 3 per cent per annum.

Signed by M. Gurumurthy—Applicant.

(Intld.) Illegible.

Form No. 105—5,000.

Particulars.	Rs.
Silver and Copper—	
Notes ...	10,000
Cheques on Banks	...
Cheques on Local Banks ...	...
Total ...	10,000

(Sd.) G. N. Ganganna.

Entered (Initials not clear.)

Cashier (Signature not clear.)

Accountant (Initials not clear.)

Manager (Initials not clear.)

Exhibit P14

BANK OF MYSORE, LIMITED.

43—451 No. 253—38/287.

Dated 5th November 1934.

006301.

Wanted a Fixed Deposit Receipt in favour of K. M. Purushothama Reddy, minor by guardians K. Muninanjappa and Srimathi Lakshmamma (E. or S.) for rupees ten thousand only for twelve months at 3 per cent per annum.

Signed by M. Gurumurthy—Applicant.

(Intld.) Illegible.

Form No. 105—5,000.

Particulars.	Rs.
Silver and Copper—	
Notes ...	10,000
Cheques on Banks	...
Cheques on Local Banks ...	...
Total ...	10,000

(Sd.) G. N. Gnganna.

Entered (Initials not clear) ... Accountant (Initials not clear.)

Cashier (Signature not clear) ... Manager (Initials not clear.)

Exhibit P15.

BANK OF MYSORE, LIMITED.

43—450 No. 254—38—286.

Dated 5th November 1934.

006302.

Wanted a Fixed Deposit Receipt in favour of K. M. Balakrishna Reddy minor by guardians K. Muninanjappa and Srimathi Lakshmamma (E. or S.) for rupees ten thousand only for twelve months at 3 per cent per annum.

Signed by M. Gurumurthy—Applicant.
(Intld.) Illegible

Form No. 105—5,000.

Particulars.	Rs.
Silver and Copper—	
Notes ...	10,000
Cheques on Banks	...
Cheques on Local Banks ...	...
Total ...	10,000

(Sd.) G. N. Ganganna.

Entered (Initials not clear.) .... Accountant (Initials not clear.)
Cashier (Signature not clear.) .... Manager (Initials not clear.)

Exhibit P16.

BANK OF MYSORE, LIMITED.

43—449 No. 25—538—285.

Dated 5th November 1934.

006303.

Wanted a Fixed Deposit Receipt in favour of K. M. Kothandarama Reddy, minor by guardians K. Muninanjappa and Srimathi Lakshmamma (E. or S.) for rupees ten thousand only for twelve months at 3 per cent per annum.

Signed by M. Gurumurthy—Applicant.
(Intld.) Illegible.

Form No. 105—5,000.

Particulars.	Rs.
Silver and Copper—	
Notes ...	10,000
Cheques on Banks	...
Cheques on Local Banks ...	...
Total ...	10,000

(Sd.) G. N. Ganganna.

Entered (Initials not clear.) .... Accountant (Initials not clear.)
Cashier (Signature not clear.) .... Manager (Initials not clear.)

Exhibit P17.

Due on 5th November 1935.

THE BANK OF MYSORE, LIMITED.

BANGALORE,
5th November 1934.

No. 43—449.

FIXED DEPOSIT RECEIPT.

(Payable to Either or Survivor.)

The Bank of Mysore, Limited.

Received from K. M. Kothandarama Reddy, minor by guardians K. Muninanjappa and Srimathi Lakshmamma, Rupees Ten Thousand only as a deposit repayable twelve months after date with interest at the rate of 3 per cent per annum, payable half-yearly on the 1st January and 1st July.

Rs. 10,000.

Entered.
(Sd.) Not clear
Accountant.

For The Bank of Mysore, Limited,
(Sd.) T. M. S. SUBRAMANIAM,
Manager.

N.B.—This receipt is not negotiable. Interest will cease at the expiration of the above period of 12 months when if payment is required the receipt must be sent in duly stamped and endorsed by the depositor.

Written across the Fixed Deposit Receipt.
Principal renewed and interest paid.

(Intd.) Not clear.
18-7-38.

Interest of Rs. 105-3-0 up to 5th November 1935 has been paid on 6th April 1938.

(Intd.) Not clear. 5
For *Manager*.
(Intd.) Not clear.

Exhibit P18.

Due on 5th November 1935.

THE BANK OF MYSORE, LIMITED. 10

BANGALORE,

No. 43—450. *5th November 1934.*

FIXED DEPOSIT RECEIPT.

(Payable to Either or Survivor.)

Received from K. M. Balakrishna Reddy, minor by guardians K. Muninanjappa 15
and Srimathi Lakshmamma, Rupees Ten Thousand
The Bank of Mysore, Limited. only as a deposit repayable twelve months after date
with interest at the rate of 3 per cent per annum,
payable half-yearly on the 1st January and 1st July.

Rs. 10,000. 20

Entered, *For* The Bank of Mysore, Limited,

(Sd.) Not clear. (Sd.) T. M. S. SUBRAMANIAM,
Accountant. *Manager.*

N.B.—This receipt is not negotiable. Interest will cease at the expiration of the above period of 12 months when if payment is required the receipt must be sent in duly stamped 25
and endorsed by the depositor.

Written across the Fixed Deposit Receipt.
Principal renewed and interest paid.

(Intd.) Not clear,
18-7-38. 30

Interest of Rs. 105-3-0 up to 5th November 1935 has been paid on 6th April 1938.

(Intd.) Not clear.
For *Manager*.
(Intd.) Not clear. 35

Exhibit P19.

Due on 5th November 1935.

THE BANK OF MYSORE, LIMITED.

BANGALORE,

No. 43—451. *5th November 1934.* 40

FIXED DEPOSIT RECEIPT.

(Payable to Either or Survivor).

Received from K. M. Purushothama Reddy, minor by guardians K. Muni-
nanjappa and Srimathi Lakshmamma, Rupees Ten
The Bank of Mysore, Limited. Thousand only as a deposit repayable twelve months 45
after date with interest at the rate of 3 per cent per
annum payable half-yearly on the 1st January and 1st July.

Rs. 10,000-0-0.

Entered. *For* The Bank of Mysore, Limited,

Initials (Not clear.) (Sd.) T. M. S. SUBRAMANIAM, 50
Accountant. *Manager.*

N.B.—This receipt is not negotiable. Interest will cease at the expiration of the above period of 12 months when if payment is required the receipt must be sent in duly stamped and endorsed by the depositor.

Principal renewed and interest paid. 55

(Intd.) Not clear,
18-7-38.

Interest of Rs. 105-3-0 up to 5th November 1935 has been paid on 6th April 1938.

(Intd.) Not clear.
For *Manager*.
(Intd.) Not clear.

Exhibit P. 20.

Due on 5th November 1935.

THE BANK OF MYSORE, LIMITED.,

BANGALORE.
5th November 1934.

No. 43—452.

FIXED DEPOSIT RECEIPT.

(Payable to Either or Survivor.)

The Bank of Mysore, Ltd.

Received from K. M. Janarthana Reddy, minor by guardians K. Muninanjappa and Srimathi Lakshmamma Rupees Ten thousand only as a deposit repayable twelve months after date with interest at the rate of Three per cent per annum payable half-yearly on the 1st January and 1st July.

Rs. 10,000-0-0.

For The Bank of Mysore, Ltd.,
(Sd.) T. M. S. SUBRAMANIAM,
Manager.

Initials (not clear.)
Entered Accountant.

N.B.—This receipt is not negotiable. Interest will cease at the expiration of the above period of 12 months when if payment is required the receipt must be sent in duly stamped and endorsed by the depositor.

Principal renewed and interest paid.

(Intld.) Not clear,
18-7-38.

Interest of Rs. 105-3-0 up to 5th November 1935 has been paid on 6th April 1938.

(Intdl.) Not clear.
For *Manager*.
(Intld.) not clear.

Exhibit P. 21.

Due on 5th November 1935.

THE BANK OF MYSORE, LIMITED.

BANGALORE.
5th November 1934.

No. 43—453.

FIXED DEPOSIT RECEIPT.

(Payable to Either or Survivor.)

The Bank of Mysore, Ltd.

Received from K. M. Madhava Reddy minor by guardians K. Muninanjappa and Srimathi Lakshmamma Rupees Ten thousand only as a deposit repayable twelve months after date with interest at the rate of Three per cent per annum, payable half-yearly on the 1st Januarv and 1st July.

Rs. 10,000-0-0.

For The Bank of Mysore, Ltd.,
(Sd.) T. M. S. SUBRAMANIAM,
Manager.

Entered.

(Sd.) not clear.
Accountant.

N.B.—This receipt is not negotiable. Interest will cease at the expiration of the above period of 12 months when if payment is required the receipt must be sent in duly stamped and endorsed by the depositor.

Written across the Fixed Deposit Receipt.
incipal renewed and interest paid.

(Intld.) Not clear.
18-7-38.

Interest of Rs. 105-3-0 up to 5th November 1935 has been paid on 6th April 1938.

(Intld.) Not clear.
For *Manager*.
(Intld.) Not clear

Allow C/A rate to 5-11-39.
(Intd.) Not clear.

Exhibit P22.

Due on 5th November 1935.

THE BANK OF MYSORE, LIMITED.

BANGALORE,

No. 43—454. *5th November 1934.* 5

FIXED DEPOSIT RECEIPT.

(Payable to Either or Survivor.)

Received from K. M. Sharadamba, minor by guardians K. Muninanjappa and Srimathi Lakshmamma Rupees Fifteen Thousand only as a deposit repayable twelve months after date with interest at the rate of three per cent per annum payable half-yearly on the 1st January and 1st July. 10

The Bank of Mysore, Limited.

Rs. 15,000-0-0.

For

Entered.

The Bank of Mysore, Limited,

Initials (not clear.)
Accountant.

(Sd.) T. M. S. SUBRAMANIAM, 15
Manager.

N.B.—This receipt is not negotiable. Interest will cease at the expiration of the above period of 12 months when if payment is required the receipt must be sent in duly stamped and endorsed by the depositor.

Contents received, 20
(Stamp) K. M. SHARADAMBA,
(Sd.) M. SHARADAMMA.
3-1-40.

Identified by me

(Sd.) G. K. RAGHAVENDRA RAO, B.A., LL.B., 25
Advocate, Bangalore.
3-1-40.

Sharadamma has attained majority and the amount may be paid over to her.
Left Thumb Mark of Lakshmamma.

Written cross-wise on the Fixed Deposit Receipt. 30

Proceeds paid to K. M. Sharadamma as per District Court Order No. 1094—39-40, and as per High Court Order No. 1 of 1939-40 and as per Assistant Manager's orders.

(Sd.) Not clear.
3-1-1940. 35

Exhibit P23.

Due on 5th November 1935.

THE BANK OF MYSORE, LIMITED.

BANGALORE,

No. 43—456. *5th November 1934.* 40

FIXED DEPOSIT RECEIPT.

(Payable to Either or Survivor).

Received from K. M. Komalamba, minor by guardians K. Muninanjappa and Srimathi Lakshmamma, Rupees Five Thousand only as a deposit repayable twelve months after date with interest at the rate of 3 per cent per annum payable half-yearly on the 1st January and 1st July. 45

The Bank of Mysore, Limited.

Rs. 5,000.

Entered.

For The Bank of Mysore, Limited,

Initials (Not clear.)
Accountant.

(Sd.) T. M. S. SUBRAMANIAM, 50
Manager.

N.B.—This receipt is not negotiable. Interest will cease at the expiration of the above period of 12 months when if payment is required the receipt must be sent in duly stamped and endorsed by the depositor.

Written cross-wise on the Fixed Deposit Receipt.
Principal renewed and interest paid.

(Id.) Not clear,
18-7-38.

5 Interest of Rs. 52-9-0 up to 5th November 1935 has been paid on 6th April 1938.

(Id.) Not clear.
For *Manager*.
(Id.) Not clear.

10 Exhibit P24.

Due on 5th November 1935.

THE BANK OF MYSORE, LIMITED.

BANGALORE,
5th November 1934.

No. 43–455.

15 FIXED DEPOSIT RECEIPT.

(Payable to Either or Survivor.)

The Bank of Mysore, Limited.

Received from K. M. Meenakshi, minor by guardians K. Muninanjappa and Srimathi Lakshmamma Rupees five thousand only as a deposit repayable twelve months after date with interest at the rate of 3 per cent per annum, payable half-yearly

20 on the 1st Jaunary and 1st July.

Rs. 5,000.

Entered.
(Sd.) Not clear.
Accountant.

For The Bank of Mysore, Limited,
(Sd.) T. M. S. SUBRAMANIAM,
Manager.

25 *N.B.*—This receipt is not negotiable. Interest will cease at the expiration of the above period of 12 months when if payment is required the receipt must be sent in duly stamped and endorsed by the depositor.

Written across the Fixed Deposit Receipt
Principal renewed and interest paid.

30

(Id.) Not clear,
18-7-38.

Interest of Rs. 52-9-0 up to 5th November 1935 has been paid on 6th April 1938.

35

(Id.) Not clear.
For *Manager*.
(Id.) Not clear.

Exhibit P. 25.

Due on 5th November 1935.

THE BANK OF MYSORE, LIMITED.

40

Allow C/A rate to 5th November 1939.
(Intd.) Not clear, No. 43-457.

Bangalore,
5th November 1934.

45 FIXED DEPOSIT RECEIPT.

The Bank of Mysore, Limited.

Received from Srimathi Lakshmamma Rupees ten thousand only as a deposit repayable twelve months after date with interest at the rate of three per cent per annum payable half yearly on the 1st January and 1st July.

Rs. 10,000.

50

Initials (Not clear.)

Entered. *Accountant.*

For The Bank of Mysore, Ltd.,
(Sd.) T. M. S. SUBRAMANIAM,
Manager.

NOTE.—This receipt is not negotiable. Interest will cease at the expiration of the above period of 12 months when if payment is required the receipt must be sent in duly stamped and endorsed by the depositor.

55

Written cross-wise on the Fixed Deposit Receipt.

Proceeds paid to party as per District Court Order No. 1094—39-40 and High Court Order No. 1—39-40 and as per Assistant Manager's orders.

(Sd.) Not clear.
3-1-1940. 5

Endorsement.

Interest of Rs. 194-13-0 up to 30th June 1935 has been sent on 10th July 1935 by our cheque.

Manager,
30-4-1936. 10
(Intld.) Illegible.

Interest of Rs. 105-3-0 up to 5th November 1935 has been sent on 30th April 1936 by our cheque.

(Intd.) not clear. (Intd.) T. M. S. 15

(Intd.) Not clear 30-4-36. *Manager.*

Out of the principal of this F. D. R. a part *viz.*, a sum of Rs. 2,000 (Rupees two thousand only) is paid on 28th September 1938 to Mrs. Lakshmamma as per Order No. M. T. 403 of 27-28, September 1938 of District and Sessions Judge, Bangalore in O. S. 11 of 1937-38. 20

For The Bank of Mysore, Ltd.,
(Sd.) T. M. S. SUBRAMANIAM,
(Intd.) Not clear. *Manager,*
28-9-1938.

Received the abovementioned sum of rupees two thousand only out of the 25 incipal of this deposit.

Left thumb mark of Lakshmamma,
28-9-1938.

Left thumb mark of Lakshmamma.
Identified by me. 30
(Sd.) G. K. RAGHAVENDRA RAO, B.A., LL.B.,
Advocate, Bangalore City.
3-1-1940.

Exhibit P26.

Specimen signature card of Mysore Bank containing thumb impressions.

Exhibit P26 (a). 35

1. Two thumb impressions of K. Muninanjappa.

Exhibit P26 (b).

2. Two thumb impressions of Lakshmamma.

Bank of Mysore, Ltd.

Thumb impressions of Nos. 1 and 2 affixed before me. 40

(Sd.) T. M. S. SUBRAMANIAM,
Accountant,
Bank of Mysore, Ltd.
10-12-34.

No. 22, Cambridge Road,
Ulsoor, Bangalore. 45

Compared.

(Id.) Not clear.
2-5-40.

Exhibit P27.

REGISTERED.

K. M. Narayana Reddy,
Legal Representative to
the Estate of late
Mr. K. Muninanjappa.

22, Cambridge Road,
Ulsoor,
Bangalore, 28th May 1935.

26288

The Manager,
Bank of Mysore, Ltd.,
Bangalore City.

DEAR SIR,

Re:—Fixed Deposits made in your Bank by the late Mr. K. Muninanjappa totalling in all Rs. 85,000, dated 5th November 1934.

In connection with the deposits mentioned above I am reliably informed that my mother Mrs. Lakshmamma intends to withdraw interest on the above as well as the principal and use the amounts for purposes other than those mentioned by my late father in his will. My father died on the 8th January 1935. Since then I, as the senior male member of our family, am conducting the family affairs in the interests of the minors (brothers and sisters) since then.

Hence I, as the senior male member of the family, give you notice that no monies, either interest or principal, be paid by you to my mother Mrs. Lakshmamma without my knowledge and consent. In the event of your paying same even against this notice, I, as the senior male member of our family, will hold you responsible for the return of the principal and—or interest on the deposits mentioned above.

Yours faithfully,
(Sd.) K. M. NARAYANA REDDY.

Reply sent by
Solicitor through
BK on 5th June 1935.

Exhibit P 28.

F. D. 44.
27040.

Dated 30th May 1935

B. VASUDEVAMURTHY, ESQ., B.A., LL.B.,
Advocate, Bangalore City.

Dear Sir,

For favour of your opinion, we enclose herewith letter received from one Mr. K. M. Narayana Reddy in connection with the undermentioned deposits aggregating Rs. of which Rs. 75,000 are deposited in the names of minors by guardians Mr. K. Muninajappa (since deceased) and Srimati Lakshmamma payable to either or survivor, and the balance of Rs. 10,000 in the name of Srimati Lakshmamma.

Yours faithfully,
(Intd.) T. M. S.,
Manager.

Encl: 1.
VJ.

Name			*Amount*	*Due date.*
1. K. M. Kothandarama Reddy, minor by guardians K. Muninanjappa and Lakshmamma (E. or S.)		....	Rs. 10,000	5-11-35
2. K. M. Balakrishna Reddy,	do	....	10,000	do
3. K. M. Purushotham Reddy,	do	....	10,000	do
4. K. M. Jagannatha Reddy,	do	....	10,000	do
5. K. M. Madhava Reddy,	do	....	10,000	do
6. K. M. Sharadamba,	do	....	15,000	do
7. K. M. Meenakshi,	do	....	5,000	do
8. K. M. Komalamba,	do	....	5,000	do
9. Srimathi Lakshmamma (Personal)		...	10,000	do
			85,000	

Exhibit P29.

B. VASUDEVA MURTHY, ESQ., B.A., LL.B.,
ADVOCATE.

75, Chickpet, Bangalore City.
2-6-1935.

Noted in L. F. 39—285 to 292.
(Intd.) Not clear,
5-6-1935.

To
The Manager,
The Bank of Mysore, Ltd.,
Bangalore.

Dear Sir,

Re: Your Letter No. 27040, dated 30th May 1935.
Mr. Narayana Reddy.

Enclosed please find a draft of a reply notice which may be sent to Mr. Narayana Reddy. Please do not, however, pay the principal amounts due on the minors' Fixed Deposits for the present until we hear again from Mr. Narayana Reddy. The relative papers are returned.

Yours faithfully,
(Sd.) B. VASUDEVA MURTHY,
Advocate.

B. N.

EXT. P29 (*a*).

Reply notice sent to party by registered for acknowledgment post on 5th June 1935.

Exhibit P30.

Exhibit P30 (*a*).

(Copy of reply to K. M. Narayana Reddy, sent by our Solicitor, in reply to his notice, dated 28th May 1935.)

(Intd.) T. M. S.

(Registered for acknowledgment) sent on 5th June 1935.

Mr. K. M. Narayana Reddy,
22, Cambridge Road,
Ulsoor,
Bangalore.

2nd June, 1935.

Dear Sir,

Re: Fixed Deposits in the names of certain minor children of the deceased Mr. K. Muninanjappa and Sreemathi Lakshmamma.

Your registered letter, dated 28th May 1935 in the above matter has been placed in my hands by the Bank of Mysore, Ltd., Bangalore, with instructions to reply thereto as follows :—

That out of the sum of Rs. 85,000 referred to in your letter, a sum of Rs. 10,000 stands in the personal name of Sreemathi Lakshmamma and no instructions of anybody else can, therefore, be considered as regards the payment of principal and interest of this deposit. The balance of Rs. 75,000 stands in the names of various minors by their guardian Mr. K. Muninanjappa (deceased) and Sreemathi Lakshmamma repayable to either or survivor. As Mr. Muninanjappa is now dead the only person who can give instructions and operate on these deposits is Sreemathi Lakshmamma, the surviving guardian and the Bank cannot take notice of any instructions to the contrary from any one else without any orders of a competent Court. The Bank is bound to act according to instructions of the person named in the Deposit Receipt. Moreover, they cannot ignore the natural guardian and mother who has been appointed by the deceased father of the minors themselves. They would be laying themselves open to litigation and loss if they did so. That they are not aware of the existence or terms of any will referred to by you and would ask you to send them a probate or letters of administration of the same if it has been duly proved in accordance with Law, if you wish them to act in accordance therewith.

Yours faithfully,
(Sd.) B. VASUDEVAMURTHY,
Advocate.

" Copy "
(Intd.) Not legible.

R. N.

Exhibit P. 31.

Bangalore, 17th June 1935.

F. D.

From

SRIMATHI LAKSHMAMMA,
(MRS. K. MUNINANJAPPA),
13, G. No. 5 Street, Jougupalyam,
Ulsoor, Bangalore.

29590.

To

THE AGENT,
Mysore Bank, Ltd.,
Bangalore City.

With reference to the Fixed Deposits.

Sir,

After the death of my husband Mr. K. Muninanjappa on the 8th of January 1935, I am left as the guardian to the Fixed Deposits, made in your Bank, in the names of my minor sons and daughters. In this connection, I would like to say that the same may be renewed for a long period as per undermentioned years. By the time, the term of years end, they reach their majority and draw the deposits in their names themselves with the Majority Certificates from the Court :—

		Rs.		
M. Kothandarama Reddy	....	10,000	for 5	years.
M. Balakrishna Reddy	....	10,000	„ 8	„
M. Purushothama Reddy	....	10,000	„ 9	„
M. Janarthana Reddy	....	10,000	„ 14	„
M. Madhava Reddy ...	....	10,000	„ 16	„
M. Meenakshi	....	5,000	„ 10	„
M. Komalamba	....	5,000	„ 16	„

The present term of the fixed deposits ends with 5th November 1935. I request you to renew the deposits of the minors either from this date or from the 5th of November 1935. The other two deposits in my name and my eldest daughter's name who is going to attain majority in about 8 months, I will draw at the end of this term.

All the Fixed Deposits receipts are deposited in your Bank only. I request you to refer those receipts for further procedure.

Thanking you.

Yours sincerely,
Left thumb mark of Srimathi Lakshmamma.
(Mrs. K. Muninanjappa).
Written by M. Gurumurthy.

17th June 1935,
Ulsoor, Bangalore.

Exhibit P. 32.

F. D. 44—30948. 21st June 1935.

B. Vasudeva Murthy, Esq.,
Advocate,
Chickpet, Bangalore City.

51
Reminded on 5/7
(Intd.) Not clear.

Dear Sir,

With reference to your letter of the second instant, we enclose herewith the letter in original received from Srimathi Lakshmamma regarding renewal of the several minor deposits for longer periods and for payment of the two deposits—one standing in her own name for Rs. 10,000 and the other one standing in the name of her eldest daughter K. M. Sharadamma for Rs. 15,000 and shall thank you to favour us with your opinion in the matter.

In this connection we beg to state that we have not so far heard anything from Mr. K. M. Narayana Reddy in reply to your letter of 2nd June 1935 sent to him by registered post on the 5th instant.

Yours faithfully,
(Intd.) T. M. S.,
Manager.

Encl. 1.
R. N.

Exhibit P33.

B. VASUDEVA MURTHI, Esq., B.A., LL.B.,
Advocate.

75, Chickpet,
Bangalore, 6th July 1935.

To

The Manager,
Bank of Mysore, Ltd.,
Bangalore.

50 F. D.

DEAR SIR,

Mrs. Lakshmamma.

Please ascertain when the minor eldest daughter Miss K. M. Sharadamma attains majority and ask for some clear evidence of the date of her birth such as a birth register extract.

On verifying the information we may proceed further in this matter. The relative papers are returned.

Regarding the Fixed Deposit standing in the personal name of Mrs. Lakshmamma, the same may be paid to her as we have not heard from Mr. K. M. Narayana Reddy, after getting a valid and duly attested (by a Magistrate) discharge from her and on surrender of the relative fixed deposit receipt.

Yours faithfully,

(Sd.) B. VASUDEVAMURTHI,
Advocate.

Exhibit P34.

BANGALORE,
9th July 1935.

1959

FROM

Srimathi Lakshmamma,
(Mrs. K. Muninanjappa),
13, G. No. 5 St., Jougupalyam,
Ulsoor, Bangalore.

To

The Agent,
Mysore Bank, Ltd.,
Bangalore City.

Ref: FIXED DEPOSITS.

SIR,

On 17th June 1935 I wrote a letter to you requesting to renew the Fixed Deposits in my minor sons' names to a certain number of years, mentioned in the letter. I have not yet received the reply. I request you to reply for the same as soon as possible.

In the second place, I request you to send the interest for the Fixed Deposits Rs. 85,000 from 5th November 1934 to the end of June 1935. The Fixed Deposit receipts are deposited in your Bank only.

Thanking you,

Yours sincerely,
Left thumb mark of Srimathi Lakshmamma.
(Mrs. K. Muninanjappa)

(Written by M. Gurumurthy.)

Acknowledged
File
(Intd.) Not clear.
10/7.

Send her *to-day* a cheque for the interest due.
(Intd.) Not clear.
10-7-1935.

Exhibit P35.

F. D. 45—1811. 10th July 1935.
Srimathi Lakshmamma,
(Mrs. K. Muninanjappa),
13, G. No. 5 Street, Jougupalyam,
Ulsoor, Bangalore.

Note (in pencil)—Do not make any advance against F. D. R. or pay before maturity.
Intd.) Not clear.
24-7-1940.

MADAM,

With refence to your letter of the 17th ultimo, we shall thank you to let us know when your eldest daughter Miss K. M. Sharadamma attains majority and also produce us clear evidence of the date of her birth such as a Birth Register extract in support thereof when the matter will have our attention.

Regarding the F. D. R. No. 43—457 for Rs. 10,000 standing in your name, we are agreeable to pay the proceeds of the deposit on the due date, after you give us a valid discharge on the receipt and duly attested by a Magistrate.

We are prepared to renew the other seven deposits in the names of minors for the respective periods as desired at 3 per cent per annum on the due dates.

We send you herewith our cheque for Rs. 1,656 in your favour being the accrued interest up to 30th June 1935 on the eight fixed deposits aggregating Rs. 75,000 in the names of your minor children and that of the deposit in your name for Rs. 10,000. Please acknowledge receipt

Yours faithfully,
(Intd.) Not clear.
Manager.

Enc. 1
R. N.

F. D.
NOTE.

Do not make any advance against the fixed deposit receipt or pay before maturity.

(Intld.) not clear.
24-7-1935.

Noted.
L.....

Exhibit P36.

To
The Manager,
Bank of Mysore, Ltd.,
Bangalore.

DEAR SIR,

The late Mr. K. Muninanjappa, Contractor, Ulsoor, Civil and Military Station, Bangalore, has deposited with the Bank of Mysore, Ltd., on 5th November 1934 Rs. 85,000 made up of Rs. 50,000 in the names of his five minor sons—K. M. Kodandarama Reddy, K. M. Krishna Reddy, K. M. Purushothama Reddy, K. M. Janardana Reddy and K. M. Madhava Reddy; Rs. 15,000 in the name of his minor daughter Sharadamma, Rs. 5,000 each in the names of his two minor daughters Meenakhamma and Komalamma; Rs. 10,000 in the name of his wife Lakshmamma.

The said Mr. Muninanjappa died on 8th January 1935 devising his properties under a Will dated 5th January 1935. He appointed his eldest son Mr. K. M. Narayana Reddy and his wife Lakshmamma as joint executors and guardians under the Will aforesaid, and the Will has been entrusted to my care.

Regarding the deposits aforesaid he has directed that the deposits are to be kept intact and renewed with the Bank unless they are invested on better securities by the joint executors. (This direction is as regards the deposits in the names of the minors.)

The testator has also given clear and specific directions in the Will that his wife should have absolute estate to the extent of only Rs. 2,000 out of Rs. 10,000, the balance of Rs. 8,000 vesting in his last two minor daughters if alive at her death or in his five minor sons as the case may be she being given only life estate as regards the latter sum.

I am given to understand by one of the executors Mr. Narayana Reddy that the said Lakshmamma who at first agreed to act under the Will and who has attested the same in token of her acceptance has been latterly disclaiming knowledge thereof and is acting against the interest of the minors' estate.

As these deposits mature for payment this day, she is making arrangements, he tells me, to withdraw the same and utilise the deposits contrary to the intentions of the testator.

Mr. K. M. Narayana Reddy I understand is suing out for probate of the Will. In the meantime he requests me to acquaint you with the terms of the will and to request you to desist from payment of the deposits. I have accordingly done so as the property is to enure for the benefit of the minors whose interests everyone ought to guard.

Thanking you,

Yours faithfully,

Bangalore,
5th November 1935.

(Sd.) S. K. VENKATARANGA IYENGAR,
Advocate.

Exhibit P37.

B. VASUDEVA MURTHY, B.A., LL.B.,
Advocate, 75, Chickpet, Bangalore City.

No.

9th November 1935.

The Manager,
Bank of Mysore, Ltd.,
Bangalore City.

DEAR SIR,

Re: F. D. R. standing in the name of Mrs. Lakshmamma, widow of K. Muninanjappa, for Rs. 10,000.

You may send the accompanying reply to Mr. Venkataranga Iyengar, Advocate, who had written to you on behalf of Mr. Narayana Reddy.

As we have already written to Mr. K. Narayana Reddy, I think the Bank is bound to pay the amount standing in the name of Srimathi Lakshmamma to her unless a prohibitory order is produced from a competent court.

As regards the payment of minors' deposits to her as guardian, as she herself has asked that the amounts may be placed in Fixed Deposits for a varying number of years, *vide* her letter dated 17th June 1935, we may not pay the amount to her immediately, but may ask her to get herself appointed as guardian of the minors in a competent court of law before claiming the amounts. If she applies for payment I would suggest your referring the matter to me again.

I remain,
Yours faithfully,

(Sd.) B. VASUDEVA MURTHY,
Advocate.

No enclosure.
9—11.
Intd.—Not clear.

Recd. on 15th November 1935.
Intd.—Not clear.
F. D.
I agree
Intld.—Not clear.
12—XI.

Exhibit P38.

Sent per Regd. for ack. post on 12th November 1935.

(Id.) not clear.
11th November 1935.

5 S. K. VENKATARANGA IYENGAR, ESQ., B.A., B.L.,
Advocate, Chickpet,
Bangalore City.

DEAR SIR,

I am instructed by the Bank of Mysore, Ltd., to acknowledge receipt of your 10 letter, dated 5th November 1935 enclosing a copy of the Will purporting to have been executed by the deceased Mr. K. Muninanjappa. In this connection I have to draw your attention to a registered letter, dated 28th May 1935, written by Mr. K. Narayana Reddy to the Bank, and my reply thereto sent on 5th June 1935 which has been received by your client so far back as 7th June 1935, and remains 15 unanswered. It was clearly pointed out in my letter to him that out of the sum of Rs. 85,000 referred to in his letter a sum of Rs. 10,000 stands in the personal name of Sri Lakshmamma and that no instructions of any body else can, therefere, be considered, as regards the repayment of principal or interest on this deposit. That the balance of Rs. 75,000 stands in the names of various minors by their guardian 20 Mr. K. Muninanjappa (deceased) and Sri. Lakshmamma, repayable to either or survivor. That as Mr. Muninanjappa is dead the only person who can instruct and operate on these deposits is Mrs. Lakshmamma as surviving guardian and the Bank cannot take notice of any instruction to the contrary of any one else without any orders of a competent court, that the Bank is clearly bound to act according to the 25 instructions of the person named in the deposit receipt and the Bank cannot also ignore the natural guardian and mother who had been named in the receipts by the deceased father of the minors as being entitled to receive payment on maturity of the deposit. If the Bank should go against these instructions, it would be liable to litigation and loss. Your client was asked to send the Probate or letters of 30 administration of the Will referred to by you, if it has been proved in accordance with law and if he wished the Bank to act in accordance with. Further even as regards the deposit standing in the sole name of Sri. Lakshmamma I do not find anything in the copy of the Will which you have now sent, preventing her from drawing the principal amount or interest or insisting upon her leaving the amount 35 in deposit in the Bank of Mysore, Ltd., alone till her life time nor of course, is the Bank bound to keep it in Fixed Deposit for her life time. It merely says that she has a life interest in Rs. 8,000 and absolute interest in Rs. 2,000 and the entire interest accruing on the fixed deposit. She is apparently, therefore, at liberty to invest it where she pleases and the Bank cannot compel her to place it in deposit 40 with the Bank alone even on the terms of the alleged Will. I only refer to this aspect of the matter to point out how the Bank has no legal claim to withhold payment.

Under all these aforesaid circumstances I am to inform you that the Bank cannot take notice of your prohibition against paying the amount to the party 45 mentioned in the receipts as entitled to payment and will do so on the application of the said party unless in the mean time you obtain an order from a competent court. I would request you to treat this matter as *very urgent* as the Bank cannot withhold payment if payment is applied for.

Yours faithfully,
(not signed).
Advocate.

50
D. K.

Exhibit P38 (a).

Encl. Copy of the will received with your letter of 5th November 1935.

(Intd.) Not clear.

Exhibit P39.

24688

Bangalore,
20th November 1935.

FROM

Srimathi Lakshmamma,
(Mrs. K. Muninanjappa),
13 G. No. 5th St., Ulsoor, Bangalore.

To

The Manager,
Mysore Bank, Ltd.,
Bangalore City.

RESPECTED SIR,

With reference to your letter dated 10th July 1935, No. F. S. D. 45—1811, I send hereby nine F. D. Receipts No. 43—449 to 43—457 for the aggregate valve of Rs. 85,000 standing in the names of minor children of late Mr. K. Muninanjppa, and myself for favour of renewal of the seven receipts No. 43—449, 43—450, 43—451, 43—452, 43—453, 43—455 and 43—456 at your C. & M. Station Branch for the periods mentioned previously in my letter of 17th June 1935 and F. D. No. 43—454 for Rs. 15,000 may be renewed for six months at the said office. Amount of the F. D. No. 43—457 for Rs. 10,000 together with the interest thereon and also the interest of above eight receipts may be paid to me. Please instruct the C. & M. Station Branch to send me the eight renewal receipts.

Yours truly,
L. T. mark of Srimathi Lakshmamma.

Attested by M. Gurumurthy.

Replied and 9 F. D. Rs. returned to party, 20th November 1935.

(Id.) Not clear.

Exhibit P 40.

F. D. 45/26263.

20th November 1935.

Srimathi Lakshmamma,
(Mrs. K. Muninanjappa)
13 G. No. 5 Street, Ulsoor,
Bangalore.

MADAM,

Re: 8 F. D. Rs. Nos. 43—449 to 456 standing in the names of your minor children and F. D. R. No. 43—457 favouring yourself aggregating Rs. 85,000.

With reference to your letter of date, we write to inform you that as we have received a Prohibitory Order from the District Judge, Bangalore, not to pay you the deposit amounts of your minor children or the accrued interest thereon as also a sum of Rs. 8,000 out of the deposit standing in your name, we regret we cannot transfer the accounts to our C. & M. Station Branch or pay you the interest thereon until the attachment is raised by the District Judge.

The 9 F.D. Rs. received with your above letter are returned herewith receipt of which please acknowledge.

Yours faithfully,
(Intd.) Not clear.
Manager.

Encs. 9.
R. N.
D. K.

Exhibit P 41.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

MIS. 67 OF 35-36.

Petitioner.		*Opponents.*
K. M. Narayana Reddy, Son of K. Muninanjappa, aged 24, 22, Cambridge Road, C. & M. Station, Bangalore.	*Vs.*	Lakshmamma, aged about 40 ,wife of K. Muninanjappa, Ulsoor, C. & M. Station, Bangalore.

To

The Manager,
Bank of Mysore, Ltd.,
Bangalore City.

Please take notice that you are hereby requested to not to pay the scheduled deposits with interest thereon items 1 to 8 to any one without the orders of this court and to hold the same subject to further orders of this Court in this behalf.

Given under my hand and the seal of the court this 16th day of November 1935.

(S.) T. SINGARAVELU MUDALIAR,
District Judge.

Seal of the Court.

				Rs.
1.	K. M. Kodanda Rama Reddy	....	....	10,000
2.	K. M. Krishna Reddy	....	....	10,000
3.	K. M. Purushothama Reddy	....	....	10,000
4.	K. M. Janardhana Reddy	....	....	10,000
5.	K. M. Madhava Reddy	....	....	10,000
6.	Saradamma	....	....	15,000
7.	Meenakshamma	....	....	5,000
8.	Komalamma	....	....	5,000
9.	And also to the extent of Rs. 8,000 standing in the name of the opponent.			

Received the prohibitory order in duplicate on 18th November 1935.

For The Bank of Mysore, Ltd.,
(Sd.) Not clear.
Manager.

Exhibit P 42.

F.D. 46/21970.

30th April 1936.

REGISTERED FOR ACK.

Srimathi Lakshmamma,
13 G-No. 5 Street,
Ulsoor, Bangalore.

MADAM,

With reference to your letter of the 29th instant we hand you herewith our cheque in your favour for Rs. 105-3-0 being the balance of interest due on your F.D.R. No. 43—457 for Rs. 10,000 up to 5th November 1935,*i.e.*, the due date. Please note that unless the deposit is renewed we do not allow interest after the due date.

As regards the renewal of the other 8 deposits standing in the names of your minor children we regret we cannot renew them as desired by you since there is no Court order to the effect in the order dated 26th March 1936 passed by the District Judge, Bangalore, enclosed with your above letter. Hence we return to you herewith the above 8 deposit receipts. We also enclose herewith your F. D. R. No. 43—457 for Rs. 10,000 duly noting the payment of interest thereon.

Please acknowledge receipt of the enclosures.

Yours faithfully,
(Id.) T. M. S.,
Manager.

Enc. 9 F. D. Rs. and 1 cheque.

R. N.
D. K.

Exhibit P 45.

8484 F. D.

FROM

Srimathi Sharadamba,
13 G-No. 5 Street, Ulsoor,
Bangalore Cantonment.

To

The Manager,
Bank of Mysore, Ltd.,
Bangalore City.

SIR,

With reference to the F. D. No. 43 – 454 standing in my name for Rs. 15,000 deposited by my father late Mr. K. Muninanjappa and for which money my mother Lakshmamma as guardian during my minority, I would like to state that I have attained majority, and I request you to renew the deposit from 5th November 1935 to 5th November 1936 in my name. Also please send the interest for Rs. 15,000 from 1st July 1935 to 1st July 1936, *i.e.*, two half-yearly interest.

The money is mine from the time I have attained majority. I have herewith attached my Birth Certificate of C. & M. Station Municipality.

In case the F. D. Receipt No. 43—454 is needed it will be forwarded.

Thanking you,

12-8-36.
Bangalore.

Yours truly,
(Sd.) K. M. Sharadamba.

Replied.
15-8-36.
(Id.) Not clear.

Exhibit P 44.

8480 F. D.

FROM

Srimathi Lakshmamma,
(Mrs. K. Muninanjappa),
13. G. No. 5 Street, Ulsoor,
Bangalore Cantt.

To

The Manager,
Bank of Mysore, Ltd.,
Bangalore City.

SIR,

Ref. F. D. No. 43 of 454.

With reference to the F. D. No. 43/454, standing in my daughter's name K. M. Sharadamba for Rs. 15,000, I would like to bring to your knowledge, that she has attained majority. I do not have any objection for your acting according to her wishes regarding her money, which was deposited in her name by her father late Mr. K. Muninanjappa on 5th November 1934, for which money I was the guardian.

Thanking you,

Yours truly,
Left thumb mark of Srimathi
LAKSHMAMMA,

12th August 1936.
BANGALORE.

Attested by M. Gurumurthy.

D. K.

Replied to K. M. Sharadamba,
(Id.) Not clear.
18-8-36.

Exhibit P 45.

F. D. 47 of 9562. *15th August 1936.*

Srimathi K. M. Sharadamba,
No. 13 G, 5th Street,
Ulsoor, Bangalore.

5 MADAM,

Re: *Your F. D. R. 43/454 for Rs. 15,000.*

With reference to your letter of the 12th instant intimating us to renew the above deposit for further 12 months from the due date and to remit you the accrued interest thereon, we regret we cannot comply with your request, until the prohi-
10 bitory order of the District Court, Bangalore, in this case 67 of 1935-36 is raised by the said Court.

Yours faithfully,
(Id.) T. M. S.
Manager,
15 (Id.) Not clear.

Exhibit P 46.

DISTRICT COURT BUILDING.
Dated 13th November 1937.

FROM
20 M. P. Somasekhara Rao,
Advocate.

To
The Manager,
Bank of Mysore, Ltd.,
25 Bangalore City.

DEAR SIR,

In connection with Mis. Case No. 67 of 35-36 of the Court of the District Judge of Bangalore, information is required by the Court as to whether any and if so what amounts have been drawn on account of interest on F. Ds. Nos. 43/ 449
30 to 457.

As the Court has asked me to obtain the above information and place it before the Court by 3 P.M. to-day I shall be highly obliged if you can kindly see that the necessary information is furnished to me per bearer.

Thanking you,
35 Yours faithfully,
(Sd.) M. P. SOMASEKHARA RAO.

F. D.

Replied.
13-11-37.
40 (Id.) Not clear.

F. D.——57059. *13th November 1937.*

Exhibit P 47.

URGENT.

The District Judge,
45 Bangalore Division,
Bangalore.

DEAR SIR,

Re. Mis. Case No. 67 of 1935-36 on your file.

With reference to the application received by us to-day from Mr. M. P. Soma-
50 sekhara Rao, Advocate for Petitioner in the above case, we beg to state that a sum of Rs. 1,656 was paid to Srimati Lakshmamma, guardian of the minors, towards interest on F. D. R. Nos. 43/449 to 457, on 10th July 1935, prior to the Prohibitory Order in the above case and Temporary Injunction order in O. S. 11 of 1937-38 served on us on 18th November 1935 and 6th October 1937, respectively.
55 We have not paid any interest on the said deposits since 10th July 1935.

Yours faithfully,
(Id.) T. M. S.
Manager.

F. D. R. No.	*Amount.*	*Interest from 5th Nov. 1934 to 30th June 1935.*		
	Rs.	Rs.	a.	p.
43—449	10,000	194	13	0
450	10,000	194	13	0
451	10,000	194	13	0
452	10,000	194	13	0
453	10,000	194	13	0
454	15,000	292	4	0
455	5,000	97	7	0
456	5,000	97	7	0
457	10,000	194	13	0
	Total	1,656	0	0

(Intd.) Not clear.

Exhibit P48.

F. D. 51/9368. *20th July 1938.*

Mrs. Lakshmamma,
No. 13, G. No. 5th Street,
Jogupalyam, Ulsoor,
C. & M. Station, Bangalore.

MADAM,

With reference to your letter of the 19th instant, we append at foot details of interest on F. D. Rs. No. 43/449 to 453, 455 and 456 from due date *i.e.*, 5th November 1935 to 18th July 1938 at current account rate, *i.e.* one per cent per annum.

Yours faithfully,
(Id.) T. M. S.
Manager.

F. D. R. No.	*Amount.*	*Interest at one per cent from 5th Nov. 1935 to 18th July 1938.*		
	Rs.	Rs.	a.	p.
43—449	10,000	270	4	0
450	10,000	270	4	0
451	10,000	270	4	0
452	10,000	270	4	0
453	10,000	270	4	0
455	5,000	135	2	0
456	5,000	135	2	0
Interest paid to you on 18th July 1938		1,621	8	0

(Intd.) not clear.

Exhibit P49.

F. D. 51/9935. *21st July 1938.*

Mrs. Lakshmamma,
C/o Miss V. Amruthamma, B.A., LL.B.
Advocate, Cottonpet,
Bangalore City.

MADAM,

Re: F. D. R. Nos. 43/457 and 43/454.

With reference to your letter of the 15th instant, we shall be pleased to renew the above F. D. Receipts from the date of receipt of Court order allowing interest on the deposits from the date of maturity to date of renewal at one per cent (Current Account Rate).

Yours faithfully,
(Id.) T. M. S.
Manager.

Exhibit P50.

M. T. 1291—5-4-38.

DISTRICT AND SESSIONS JUDGE'S COURT,
BANGALORE DIVISION,
Bangalore, dated 5th April 1938.

5 17977 F. D.

From

S. VENKATARANGA IYENGAR, Esq., B.A., LL.M.,
District and Sessions Judge,
Bangalore Division.

10 To

The Manager,
Bank of Mysore, Limited,
Bangalore.

Sir,

15 With reference to your letter No. P. D. 49—57039, dated 13th November 1937 I have the honour to state that out of the interest that has already accrued due and will hereafter accrue due on the Fixed Deposit Receipts Nos. 43—449 to 453, 455 and 456 in the names of the minors, in Miscellaneous Case No. 67—35-36, on the file of this court, in your Bank, the following payments may be made to the 20 opponent Lakshmamma :—

(1) Rs. 2,893-9-0 towards past maintenance of the minors from 16th November 1935 up to 2nd April 1938.

(2) A sum of Rs. 125 per month from 2nd April 1938 until further orders of this Court towards the future maintenance of the minors.

25 The action taken in the matter may kindly be intimated.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) S. VENKATA RANGA IYENGAR,
30 *District Judge.*

(Id.) B. L.

Submitted : (Id.) Not clear.

Rs. 631-1-0 interest on the above 7 deposits up to 5th November 1935 paid to Lakshmamma.

35 6-4-38.
(Id.) Not clear.

Exhibit P51.

BANGALORE CITY,
Dated 4th July 1938.

From

40 Sri Lakshmamma, widow of late contractor Muninanjappa,
No. 13, G. No. 5th Street, Jougupalyam, Ulsoor,
C. & M. Station, Bangalore.

To

The Manager,
Mysore Bank, Limited,
45 Bangalore.

Dear Sir,

Re :—Fixed Deposits Nos. 43—449. 450, 451, 452, 454, 455 and 456.

The above deposit holders are minors. There is Mis. 67 of 35-36, going on in the District Court, Bangalore City, regarding the Guardianship of the property of 50 the minors' monies under the above deposits.

On 10th November 1935 there was temporary injunction order passed by the court directing the Bank not to pay the amount of interest on the deposits to me. Consequently there was no renewal of the deposits. The court proceedings have been instituted by my first son K. M. Narayana Reddy.

55 On 2nd July 1938, there is a court order passed permitting me to have the deposits renewed. I request that from the expiry of the last date of the deposits *i.e.*, from about 5th November 1935 the deposits may be dealt with as renewed for a period of four years. Since the matter was in court the renewal could not be effected earlier.

60 Thanking you, Yours faithfully,
Left thumb mark of Lakshmamma,
the mother of minor deposit holders.

Exhibit P 52.

BANGALORE,
Dated 13—14th July 1938.

From

S. VENKATARANGA IYENGAR, ESQ., B.A., LL.M.,
District and Sessions Judge,
Bangalore Division.

To

The Manager,
Bank of Mysore, Limited,
Bangalore.

M. T. No. 57.

Has the honour to intimate that Lakshmamma 1st opponent in Miscellaneous Case No. 67 of 1935-36 of this court has been permitted to have the marginally noted fixed deposits renewed for one year from 9th July 1938.

F. D. R. Nos.
43—449
43—450
43—451
43—452
43—453
43—455
43—456

(Sd.) S. VENKATARANGA IYENGAR,
District Judge.

9th July 1938.

Exhibit P 53.

BANGALORE CITY,
Dated 15th July 1938.

From

Mrs. Lakshmamma,
13, G. No. 5th Street,
Jogupalyam,
Ulsoor, C. & M. Station,
Bangalore.

To

The Mysore Bank, Limited,
Avenue Road, Bangalore City.

Dear Sir,

Your Ref. F. D. 51 - 2727, dated 5th July 1938.

I think you have been by now intimated directly by the court about the granting of permission to me for the renewal of the deposits. I am however sending you a copy of the court order in the matter as desired by you. The case is posted to 22nd July 1938.

Please send a reply early.

Yours faithfully,
Left thumb mark of Lakshmamma.

IN THE COURT OF THE DISTRICT JUDGE AT BANGALORE.
MISCELLANEOUS CASE NO. 67 OF 1935-36.

Petitioner.	*Vs.*	*Opponent.*
K. M. Narayana Reddy.		Lakshmamma, mother of minors 1 to 8.

2nd July 1938. Petitioner by Mr. M. P. S.; Opponent by Mr. M. Krishna Murthi. Objections and arguments *Re.* I. A. No. 6. Mr. M. P. S. wants time till Monday to file his objections. In the mean time Opponent No. 1 may get the fixed deposits renewed at once. I have Tumkur Sessions from 4th July 1938. I therefore post this to 9th July 1938 for objections and arguments.

(Intd.) S. V.
District Judge.
2-7-38.

9th July 1938. Petitioner by Mr. M. Krishna Murthy; Opponent by Mr. M. P. S. Objections and arguments. *Re*-I. A. No. 6. No steps taken *re* main petition which was posted for evidence on 2nd April 1938.

Objections *Re* I. A. No. 6 filed. In the mean while Mr. M. Krishnamurthy requests the court to intimate to the Mysore Bank that the 1st opponent Lakshmamma is permitted by the court to have the fixed deposit renewed. He also adds that they may be got renewed for one year from this date. Inform the Mysore Bank accordingly.

For arguments on 14th July 1938.

(Intd.) S. V.
District Judge.
9-7-38.

"True Copy,"
(Sd.) B. Narayana Rao,
Head Record-keeper.

BANGALORE CITY,
Dated 15th July 1938.

3041.

From

Mrs. Lakshmamma and Srimathi Saradamma,
C/o Miss V. Amruthamma, B.A., LL.B.,
Advocate, Cottonpet, Bangalore City.

To

The Bank of Mysore, Limited.,
Avenue Road, Bangalore City.

Sir,

Re: Fixed Deposits Nos. 43—457, dated 5th November 1934, and
Fixed Deposit No. 43—454, dated 5th November 1934.

Owing to unrighteous Court Proceedings against us instituted by Narayana Reddy, son of 43—457 Deposit-Holder and brother of 43--454 Deposit-Holder, the deposits have not become renewed after the expiry of the period on or about 5th November 1935.

Re: the said deposits there was litigation started by the said Narayana Reddy in Mis. Case No. 67 of 1935-36 on the file of the District Judge's Court and Court orders were obtained *ex-parte* preventing us from dealing with the said deposits. Subsequently the orders were set aside and the said Narayana Reddy has started litigation afresh over the deposit amounts in O. S. 11 of 37-38. In the said suit we have been prevented from dealing with the amounts under consideration. For the consideration of the injunction order, the case is posted to 22nd July 1938.

May we know if you will please renew the deposits for a period of four years from the date of expiry of the original period, *i.e.*, from about 5th November 1935? We will of course obtain necessary court orders therefor.

Unless you are prepared to comply with our request, there is no meaning in our troubling the court for the required orders.

If on any account you are not pepared to comply with our request, we will have to move the court for orders directing the withdrawal of the deposits of your Bank for depositing elsewhere. Please treat the matter urgent and reply.

Yours faithfully,
Left thumb mark of Mrs. Lakshmamma.
(Sd.) M. Sharadamma.

We shall be pleased to renew from the date of receipt of court order allowing interest on the deposit from the date of maturity to date of renewal at one per cent (Current Account Rate). (Intd.) Not clear.

Exhibit P54 (a).

(Intd.) A. S. R.,
Second Additional Sessions Judge.
3-7-40.

Exhibit P55.

To

The Manger,
The Bank of Mysore, Limited,
Bangalore City.

3704. Replied, 20th July 1938. (Id.) Not clear.

Dear Sir,

Re Renewal of F. D.'s 43—449 to 453, 455 and 456.

I shall feel much obliged if you will kindly deliver to me, now in person, a statement of account showing how the amount of Rs. 1,621-8-0 paid to me yesterday 18th July 1938 in cash has been arrived at. I have got to render accounts to the court *re* the amounts received from you. Kindly excuse trouble.

Yours faithfully,
Thumb mark.

Left thumb mark of Lakshmamma, mother and guardian of her minor children K. M. Kothandarama Reddy and others.

Bangalore City.
19-7-38.

Exhibit P56.

Bangalore, dated 27—28th September 1938.

From

S. VENKATARANGA IYENGAR, Esq., B.A., LL.M.,
District and Sessions Judge,
Bangalore Division.

No. M. T. 403,
Enc.

To

The Manager,
Bank of Mysore, Limited.
Bangalore.

Sir,

Adverting to your letter No. 41534, dated 6th October 1937 *re* the Prohibitory Order issued in O. S. No. 11 of 37-38 of this Court (K. M. Narayana Reddy *Vs.* Lakshmamma and Sharadamma), I have the honour to state that a sum of Rs. 2,000-0-0 out of Rs. 10,000 covered by F. D. R. No. 43—457, dated 5th November 1934, standing in the name of the 1st Defendant Lakshmamma is released from temporary injunction.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) S. VENKATARANGA IYENGAR,
District Judge.

Attended and paid Rs. 2,000 to her. 28th September 1938.

Pay Rs. 2,000 and make note on the F. D. R. (Id.) Not clear.

Exhibit P57.

51—40257.

Dated 28th September 1938.

The District and Sessions Judge,
Bangalore Division, Bangalore.

Dear Sir,

Re F. D. R. No. 43—457 for Rs. 10,000 in the name of Srimathi Lakshmamma in temporary injunction in O. S. No. 11 of 1937-38.

With reference to your letter No. M. T. 403 of that date, we have this day paid Srimathi Lakshmamma a sum of Rs. 2,000-0-0 out of the principal of Rs. 10,000-0-0 of the above Fixed Deposit.

Yours faithfully,
(Id.) Not clear.
Manager.

Exhibit P58.

M. T. No. 688.

DISTRICT AND SESSIONS COURT,
BANGALORE DIVISION.

30762.

Bangalore, dated 2nd—3rd December 1938.

From

S. VENKATARANGA IYENGAR Esq., B.A., LL.M.,,
District and Sessions Judge,
Bangalore Division.

To

The Manager,
Bank of Mysore,
Bangalore City.

Sir,

Adverting to your letter No. 25687 dated 18th November 1935, and in continua tion of this office No. XX 920, dated 16th November 1935, I have the honour t state that the attachment in respect of the fixed deposit of Rs. 10,000 relating t K. M. Kodandarama Reddy is raised.

I have the honour to be,
Sir,
Your most obedient Servant,

(Sd.) S. VENKATARANGA IYENGAR,
District Judge.

Noted in the Ledger, 5th December 1938.
(Intd.) Not clear.

C. R. No. 3301—30TH NOVEMBER 1938.
BY MR G. K. RAGHAVENDRA RAO.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

DATED THE 28TH DAY OF NOVEMBER 1938.

Present.

S. VENKATARANGA IYENGAR, ESQ., B.A., LL.M.,
District Judge.

MISCELLANEOUS No. 67 OF 1935-36.

Petitioners—K. M. Narayana Reddy, brother of the minors (eldest).

Vs.

Opponent.—Lakshmamma, mother of the minors.

Minors.—1. K. M. Kodandarama Reddy, 14 years. 2. K. M. Krishna. Reddy, 12 years. 3. K. M. Purushotham Reddy, 11 years. 4. K. M. Janaradhana Reddy, 6 years. 5. K. M. Madhava Reddy, 4 years. 6. Sharadamma, 16 years. 7. Meenakshamma, 9 years. 8. Komalamma 2½ years.

I. A. No. 11.—Opponent Lakshmamma files an application under Section 40 (2) (*b*) of the Guardian and Wards Regulation with an affidavit praying that for reasons stated therein the Court may be pleased to drop the present proceedings to, for as they relate to 1st ward (K. M. Kodandarama Reddy) as he has hence become a major on 18th November 1938.

28*th November* 1938. Petitioner by Mr. M. P. S. Opponents by Mr. M. K. Murthy. Mr. M. P. S. files a counter-affidavit to the affidavit of the opponent filed on 21st October 1938. He also files an application praying that some objectionable portions in that affidavit of the opponent may be ordered to be deleted. He also files an affidavit by way of objections to I.A. No. II. He wants time till tomorrow to file objections to I.A. No. 12.

Order on I.A. Number 11

In asmuch as admittedly Kodandarama Reddy has since attained majority the proceedings in this case so far as they relate to him are dropped.

Pronounced in Open Court.

(Sd.) S. VENKATARANGA IYENGAR,
District Judge, 5
28-11-1938.

In view of the order passed on I.A. No. II to-day the prohibitory order in respect of the fixed deposit of Rs. 10,000 relating to Kodandarama Reddy is raised. Issue necessary intimation about it to the Bank of Mysore.

Interlocutory application number 12 will be considered after the petitioner 10 files an objection to it. Heard arguments. I will pass order after objections are filed on Interlocutory application number 12. Adjourned to 29th November 1938, for objections on I.A. No. 12.

(Ind.) S.
District Judge, 15
28-11-1938.

" True copy "

(Sd.) B. Narayana Rao,
Head Record-keeper.

" Copy "

Exhibit P59. 20

From

BANGALORE CITY.

Dated 18th Decem ber 1939

Srimathi Lakshmamma,
wife of late Mr. K. Muninanjappa,
Gandhi Nagar, Bangalore City. 25

To

The Bank of Mysore, Ltd.,
Avenue Road, Bangalore City.

Sirs,

***Re**: F. D. R. No. 43—457.* 30

The Court Injunction order re: the above amount passed at the instance of K. M. Narayana Reddy in O. S. No. 11 of 37-38, on the file of the District Judge's Court, Bangalore, has been dissolved by the Hon'ble the High Court of Mysore at Bangalore in Mis. Appeal No. 1 of 39-40. A certified copy of the said order is herewith produced for your perusal and return. 35

I request you to please renew the deposit amount for a period of six months only from this date. For the period during which the Fixed Deposit remained unrenewed, you will allow me the interest according to your Bank rules.

I propose to proceed against the said K. M. Narayana Reddy for all losses caused to me by his wrongfully attaching my property. You will, therefore, give a 40 clear statement of account to me showing the period for which you have given interest on the F. D. amount at the current rate instead of at the original F. D. interast rate. I am compelled to bring to your notice pointedly that the present disputes in our family are entirely due to Advocate Mr. S. K. Venkataranga Iyengar, who happens to be the Benk Lawyer. I trust that in all matters relating 45 to the F. D. under reference and also to the F. D. amounts standing in the names of my minor children you will act independently of the said Mr. S. K. Venkataranga Iyengar, otherwise the accounts with you will have to be closed and our deposits withdrawn from the Bank.

I request you to pay immediate attention to the renewal of the deposit amount 50 and the payment of the past interest due on the same.

Yours faithfully,
L. T. mark of Lakshmamma.

Exhibit P 59 (*a*).

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Friday the 8th day of December 1939.

PRESENT

5 SIR D'ARCY REILLY, CHIEF JUSTICE

AND

MR. JUSTICE T. SINGARAVELU MUDALIAR

MISCELLANEOUS APPEAL NO. 1 OF 1939-40.

1. Lakshmamma
10 2. Sharadamma } Defendants-- Appellants.

(By Mr. M. Krishna Murthy.)

Vs.

K. M. Narayana Reddy. Plaintiff—Respondent.

(By Mr. M. P. Somasekhara Rao.)

15 Miscellaneous appeal against the order, dated 4th April 1939, passed District Judge of Bangalore, in Original Suit No. 11 of 1937-38, on A. No. I, absolute the ex-parte order of temporary injunction passed on 2nd October

This appeal coming on for hearing this day, the Court deliver following:—

20 **JUDGMENT.**

The Plaintiff bases his suit on an alleged Will of his father, Munindnjappa, under which he would be one of the Executors. He professes to be anxious to perform his duties as Executor. Nevertheless he did not produce the Will for more than two years, and did not apply for probate until nearly 4½ years, after his 25 father's death. This delay is the more remarkable because, until the plaintiff has been recognized as Executor, he cannot perform the duties which he professes to be anxious to perform in respect of the deposit in the Bank of Mysore, which are the subject of this suit. When it is remembered also that Muninanjappa at the time he made these deposits in the Bank about 2 months before his death 30 distributed 7 other deposits similarly in the names of his minor children, we may say without expressing any opinion on the merits of this suit that it is difficult to agree with the learned Judge that a *prima facie* case has been made out by the plaintiff. The learned Judge does not appear to have allowed enough weight to the strange and harassing conduct of the Plaintiff nor to the unfairness of keeping 35 the Defendants under a temporary injunction, as his order already does, almost 5 years after Muninanjappa's death.

This appeal is allowed, and the temporary injunction made by the learned Judge is dissolved. The Plaintiff will pay the Appellants' costs. (Advocate's fee Rs. 25.)

40 (Sd.) H. D. C. REILLY,
Chief Justice.

(Sd.) T. SINGARAVELU MUDALIAR,
Judge.

The amount of costs payable by the Respondent-Plaintiff to the Defendants-Appellants is Rs. 37-6-0 only as per memorandum of costs hereunder :—

Memorandum of costs incurred in this appeal—

	By the Appellants.			*By the Respondents.*		
	Rs.	a.	p.	Rs.	a.	p.
Court fee on the memorandum of Appeal	2	0	0	....		
Court fee on power of attorney	2	0	0	1	8	0
Court fee on copy order	0	10	0	....		
Court fee on process fee	0	10	0	....		
Advocate's fee	25	0	0	25	0	0
Fees for copying	7	2	0	....		
Total	37	6	0	26	8	0

(Sd.) D. L. ACHARYA,
Deputy Registrar.

"True copy."
(Signed) D. L. ACHARYA.
Deputy Registrar.

Exhibit P60.

P-60 F. D.
2028.

BANGALORE CITY,
Dated 18th December 1939.

FROM

Srimathi Saradamma,
wife of Mr. Gurumurthy,
Gandhi Nagar, Bangalore City.

To

The Bank of Mysore, Ltd.,
Avenue Road, Bangalore City.

SIRS,

Re: F. D. R. No. 43/454.

The court injunction order *re*: the above amount passed at the instance of K. M. Narayana Reddi in O. S. No. 11 of 1937-38 on the file of the District Judge's Court, Bangalore, has been dissolved by the Hon'ble the High Court of Mysore at Bangalore in Mis. Appeal No. 1 of 1939-40. A certified copy of the said order has been produced by my mother Srimathi Lakshmamma along with her letter to you of this date for the renewal of her F. D. No. 43—457.

I request you to please renew the deposit amount for a period of six months only from this date. For the period during which the F. D. remained unrenewed. you will allow me the interest according to your Bank rules.

I propose to proceed against the said K. M. Narayana Reddi for all losses caused to me by his wrongfully attaching my property. You will therefore give a clear statement of account to me showing the period for which you have given interest on the F. D. amount at the current rate instead of at the original F. D. interest rate.

I request you to pay immediate attention to the renewal of the deposit amount and the payment of the past interest due on the same.

Yours faithfully,
(Sd.) M. Saradamma.

Herewith a certified copy of the Court order dated 1st October 1937 regards Saradamma having become a major.

Received on 20th December 1939.
(Intd.) Not clear.

Exhibit P60 (a).

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

Dated this 1st Day of October 1937.

5 Present: S. Venkataranga Iyengar, Esq., B.A., LL.M.,
District Judge, Bangalore.

MISCELLANEOUS CASE No. 67 OF 1935-36.

Petitioner.—K. M. Narayana Reddy, brother of the minors.

Opponents.—Lakshmamma, mother of the minors.

10 Minors.—1. K. M. Kothandarama Reddy, 14 years.
2. K. M. Krishna Reddy, 12 years.
3. K. M. Purushotham Reddy, 11 years.
4. K. M. Janardhana Reddy, 6 years.
5. K. M. Madhava Reddy, 4 years.
15 6. Saradamma, 16 years.
7. Meenakshamma, 9 years.
8. Komalamma, 2½ years.

Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Moorthy.

Mr. M. P. S. submits that on a search made by the petitioner in the 20 Registers of the Health Office, C. & M. Station, Bangalore, he could not find anything against the certified extracts of the Birth Register filed by the opponent and so the petitioner leaves the matter to court regarding the age of Saradamma.

ORDER.

I am satisfied from the Affidavit of the Opponent Lakshmamma and also from 25 the extract of the Birth Register filed on 11th August 1936 along with I. A. Number 111 that her first daughter Saradamma was born on 10th April 1918 and that she attained majority subsequent to the filing on this Miscellaneous Case. Proceedings in this Miscellaneous Case in so far as Saradamma is concerned are therefore dropped.

30 Pronounced in open court.

(Sd.) S. VENKATARANGA IYENGAR,
District Judge,
1-10-37.

In view of the order just now passed that proceedings in this case in so far as 35 they related to Saradamma are dropped, the order passed on 16th November 1935 on I. A. No. 11 in respect of the Fixed Deposit of Rs. 15,000 in the Bank of Mysore in the name of Saradamma is withdrawn. Intimate about this order to the Bank of Mysore. Mr. M. Krishna Moorthy presses for his costs on I. A. No. 111. That question may be considered at the time of passing final orders in this Miscellaneous 40 Case.

Mr. M. Krishna Moorthy requests the court to pass orders on his objection to the prohibitory order issued by this Court on I. A. No. 1 regarding the Fixed Deposit in the name of the opponent Lakshmamma. Mr. M. P. S. wants some time to consider and argue as he came into this case recently. That point will be 45 argued on 1st November 1937.

(Intd.) S. V.,
District Judge,
1-10-37.

"True copy."
50 (Sd.) B. Narayana Rao,
Head Record-keeper.

Exhibit P61.

P 61. F. D.
32686.

FROM

Srimathi Lakshmamma and Srimathi Saradamma, 5
Door No. 163, Gandhi Nagar,
Bangalore City.

To

The Mysore Bank, Limited,
Bangalore City. 10

SIRS,

Re: F. D. D. R.'s No. 43/454 and 43/457.

We are painfully surprised that our request for the renewal of the above F. D. R.'s and a statement of account should not have been complied with inspite of our specially asking you to pay immediate attention to our request. 15

We are in urgent need of money and for reasons unknown there has been needless delay.

Under the peculiar circumstances we cannot help thinking that our fears are not unfounded. The delay on your part has been causing us losses which please note. On account of ensuing X'mas holidays the Bank will be closed, can you 20 please immediately allow the renewal of the F. D. R.'s, give us the interest accumulated on the amounts for the period during which the amounts remained unrenewed and also grant us loans, the maximum amounts allowable according to rules. Immediate reply is solicited. The bearer will await reply.

Bangalore,
21st December 1939.

Yours faithfully, 25
The left thumb mark of Lakshmamma,
(Sd.) M. Saradamma.

Exhibit P62.

F. D. 76943.

BANGALORE CITY,
Dated 21st December 1939. 30

Srimathi Lakshmamma,
163, Gandhi Nagar,
Bangalore City

MADAM,

Re: F. D. R. No. 43/457 FOR Rs. 8,000. DUE: 5TH NOVEMBER 1935, 35
STANDING IN YOUR NAME.

With reference to your letter of 18th instant enclosing High Court Order Copy of 8th December 1939 dissolving injunction of District Judge and your subsequent letter of date, we shall be glad to renew the above deposit for six months allowing interest at 1 per cent (Current account rate) from the due date to date of 40 renewal.

Regarding your raising loan against the above renewed F. D. R., we suggest you to get a letter from the District Court cancelling their notice of 6th October 1937 and authorising payment of the principal of the above deposit.

Yours faithfully,
(Intd.) Not clear.
Manager 45

Exhibit P63.

D 76944 (In pencil),

21st December 1939.

Srimathi Saradamma,
wife of Mr. Gurumurthy,
Gandhi Nagar,
Bangalore City.

Madam,

Re: F. D. R. No. 43/454 for Rs. 15,000 due on 5th November 1935, standing in the name of Saradamma, minor by guardians Mr. K. Muninanjappa and Srimathi Lakshmamma.

With reference to your letter of the 18th instant, enclosing District Court Order Copy of 1st October 1937, about your attainment of majority and High Court Order Copy of 8th December 1939, dissolving injunction of District Judge and your subsequent letter of date, we shall be glad to renew the above deposit in your name for six months allowing interest at 1 per cent (Current account rate) from the due date to date of renewal.

Regarding your raising a loan against the above renewed F. D. Receipt, we would suggest you to get a letter from the District Court cancelling their notice of 6th October 1937 and authorising payment of the principal of the above deposit.

Yours faithfully,
(Id.) Not clear.
Manager.

Exhibit P64.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT. 152.

Notice	Charges to pay.	Office Stamp.
This Form must accompany any inquiry made respecting this Telegram. O. PK. Blore., 123. 10.	Rs. a.	(Seal) Bangalore City. Tel. 22 Dec. 39.

Handed at (Office of origin.)	Date.	Hr. Min.	Service instructions.	Words.
Bangalore.	22.	15-50.	Two adds.	27.

Received here at 15 H. 57 M.

To

Chairman,
Mysore Bank,
Bangalore City.

Fixed deposit receipts 43/454, 43/457 Bank ignored High Court Order your immediate attention necessary taking legal action.

Lakshmamma.

Received 7 P.M., 22nd December 1939.

(Id.) Not clear.

Exhibit P65.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT. 15.

(Seal) Bangalore City, Tel. 22 Dec. 39.
O. PK. Blore., 123. 11.

Notice This form must accompany any inquiry made respecting this Telegram.	Charges to pay. Rs. a.	Office Stamp.

Handed in at (Office of origin)	Date.	Hr. Min.	Service instructions.	Words.
Bangalore.	22.	15-50.	Two adds.	27.
	Received here at 16 H. 57 M.			

To

Mysore Bank,
Bangalore City.

Fixed deposit receipts 43/454, 43/457 Bank ignored High Court Order your immediate attention necessary taking legal action.

Lakshmamma.

Exhibit P66.

FROM

Srimathi Lakshmamma and Srimathi Sharadamma,
163, Gandhi Nagar,
Bangalore City.

To

The Manager,
The Mysore Bank, Ltd.,
Bangalore City.
F. D. 32930.

DEAR SIR,

Re : F. D. R.'s 43/457 and 43/454.

You have complied with our requests regarding the above F. D. R.'s though the request was made more than three days ago. We are no longer willing to allow the deposit with you any further. Please pay us *at once* the entire amounts due on the said deposits including interest. For the losses caused to us by your needless delay in complying with our demand we will reserve our right to proceed against you. Please treat the matter as very urgent. We are waiting in the Bank premises now to receive the payment with our two F. D. R.'s. If no payment is ake it that you deny your liability to us in the matter law courts.

Yours faithfully,

) Left Thumb Mark of Srimathi Lakshmamma, wife of
Signed M. Sharadamma. Written by K. M. Kodandarama Reddy.

Bangalore City,
22-12-39.

Exhibit P67.

F. D. 32955.

FROM

Srimathi Lakshmamma and Srimathi Sharadamma,
163, Gandhi Nagar,
Bangalore City.

To

The Manager,
The Bank of Mysore, Ltd.,
Bangalore City.

DEAR SIR,

Re: F. D. R.'s 43/457 and 43/454.

In the face of the High Court Order, we have already produced, it is not open to you to say that you are not prepared to act upon it. On some pretext or the other, you have been putting off payment of moneys due to us on the said deposits. We have been waiting at the doors of the Bank these four days. There is not one to receive our letters and give us replies thereto. You delivered to us to-day when we called on the Bank, replies to our previous letters, dating the replies as 21st December, 1939. We have brought to your notice the peculiar circumstances under which we have been asking our money back. There has been a delay of more than three days in replying to our letters. In your replies you do not say why you do not give us the moneys deposited with you. For the oral demands made for the moneys no one of the Bank officials takes the responsibility of giving any replies. Letters sent to you marked urgent do not receive any attention on your part. If we had the slightest notion that you would deal with us in this manner we would have had no dealings at all with you. You know to-day is the last working day of the Courts. The Courts and the Bank close for Christmas and re-open only after ten days. You make us wait till now (*i.e.*,) 1-30 P.M. and say that payment cannot be made. Please note you will have to take the consequences of your ignoring the High Court Order we have produced. The High Court Order distinctly says that the Lower Court Order of temporary injunction is dissolved. It is surprising what makes you feel inclined that you will not respect the Order. We can no longer wait at your doors like beggars seeking for alms. Please note we go away from this place and seek legal advice against your wrongful conduct. We hold you liable for all losses caused by your persistingly wrongful conduct.

Yours faithfully,

Bangalore City,
22-12-39.

1. Left Thumb Mark of Mrs. Lakshmamma, wife of K. Muninanjappa.
2. (Sd.) M. Saradamma.

Exhibit P68.

F. D. 53.
77621.

23rd December 1939.

Srimathi Lakshmamma and Srimati Saradamma,
No. 163, Gandhi Nagar,
Bangalore City.

Madam,

Re: Fixed Deposit Receipts.
No. 43/457 for Rs. 8,000; and
No. 43/454 for Rs. 15,000.

We are in receipt of your letter and telegram of yesterday reading as under:—

"*Fixed Deposit Receipts 43/454, 43/457 Bank ignored High Court order your immediate attention necessary taking Legal Action.*"

We observe from the copy of the High Court Order that an order has been made cancelling the order of the District Court, thus enabling you to recover the deposits. We are still, however, under the order dated 6th October 1937 since we have not received any advice from the District Court raising the injunction, we request you to get a letter addressed to us, as was done in the case of Mr. K. M. Kodandarama Reddy on the 3rd December 1938.

With reference to the delay you have mentioned, we have to advise that on the 1st occasion, *viz.*, 18th instant, you applied for renewal of the deposits and at a later date, you desired a loan on the deposits. We have received no order from the Court as mentioned above, and we had to take legal advice in the matter. A reply was given to you in person on the 22nd instant; you will thus observe that no delay has been caused.

Yours faithfully,

Manager.

237. Exhibit P69.

M. Krishna Murthi, B.A., LL.B.,
Advocate,
Cottonpet (50, Tank Road),
Bangalore City.

23rd December 1939.

ಮೋಕ್ಷಗುಂಡಂ ಕೃಷ್ಣಮೂರ್ತಿ, ಬಿ.ಎ., ಎಲ್‌ಎಲ್.ಬಿ.,
ಅಡ್ವೊಕೇಟ್, ಬೆಂಗಳೂರು ಸಿಟಿ.

and

G. K. Raghavendra Rao, B.A., LL.B.,
Advocate.

URGENT.

To

The Manager,
The Bank of Mysore, Limited,
Bangalore City.

Sirs,

Re: *Fixed Deposit Receipt No. 43/454 and 45/457.*

Under instructions from our clients Mrs. Lakshmamma, wife of late Mr. K. Muninanjappa and Mrs. Saradamma, wife of Mr. Gurumurthi Reddi and daughter of late Mr. K. Muninanjappa, residing at 163, Gandhi Nagar, Bangalore City, we have to state as follows:—

(1) In O. S. 11—37-38 on the file of the District Judge's Court, Bangalore City, a temporary injunction order was passed on 4th April 1939 against our clients regarding the aforesaid deposit amounts. On our clients appealing against the said order, the Hon'ble the High Court of Mysore has in its order dated 8th December 1939 in Mis. Ap. 1—39-40 on its file allowed our clients' appeal with costs in our clients' favour. The temporary injunction order passed in O. S. 11—37-38 became dissolved by the appellate court order. A certified copy of the High Court order was produced for the Bank's perusal by our clients along with their letter dated 18th December 1939.

(2) Our clients' repeated demands on the Bank for the return of the said Fixed Deposit Receipt amounts have not been heeded to by the Bank authorities till now. With the said High Court order before them the Bank authorities have been pleased to suggest to our clients *To get a letter from the District Court cancelling their notice of 6th October 1937 and authorising payment of the Principal of the above deposit.* It need hardly be stated that the appellate court order is undoubtedly entitled to greater respect than what has been bestowed on it by the Bank authorities.

(3) It passes our clients's comprehension why the Bank authorities have adopted such an unreasonable attitude towards them in the matter of paying back the deposit amounts.

(4) Our clients feel that it would not be in their interests to allow their moneys as hitherto with the Bank. They therefore call upon you through us to make immediate payment of all moneys due to them on the said Fixed Deposit Receipts. Failure on your part to comply with our clients' demand constrains them to take all such legal proceedings against the Bank as is open to them in law. Please note that the Bank will be held liable for all losses occasioned to our clients by the wrongful withholding of their moneys.

(Sd.) M. KRISHNA MURTHI,
Advocate.

(2nd page) Our clients await at the Bank premises for receiving the amounts justly due to them.

Yours faithfully,
(Sd.) M. KRISHNA MURTHI,
Advocate.

1. Left Thumb mark of Mrs. Lakshmamma.
2. (Sd.) M. Saradamma.

Exhibit P70.

L. 53—77916. *3rd December 1939.*

10 M. Krishna Murthi, Esq.,
Advocate, Cottonpet,
Bangalore City.

Dear Sir,

We are in receipt of your letter of date.

15 We observe that from the copy of the High Court order that an order has been made cancelling the order of the District Court thus enabling your clients to recovering the deposits.

We are still, however under the order dated 6th October 1937 since we have not received any advise from the District Court raising the injunction, we request 20 you to move the Honourable Court to issue an order to us as was done in the case of Mr. K. M. Kondandarama Reddy on the 3rd December 1938.

Yours faithfully,
(Sd.)
Manager.

25 Exhibit P71.

M. Krishna Murthy, B.A., LL.B.,
Advocate and G. K. Raghavendra
Rao, B.A., LL.B., Advocate.

Cottonpet,
50, Tank Road,
Bangalore City, 24th Dec. 1939.

Posting Certified.

30 To

The Manager,
The Bank of Mysore, Ltd.,
Bangalore City.

Dear Sir,

35 In reply to your letter No. L. 53/77916, dated 23rd December 1939 and delivered on 24th December 1939 we are desired by our clients Sri Lakshmamma and Sri Saradamma to state that when the District Court orders has become cancelled by the High Court order, the only order that has to be necessarily respected is the High Court order and certainly not the cancelled order of the lower court, as you seem to think. There is no order of any kind dated 6th October 1937 passed 40 by the District Court. If at all, there should be any such "Order" it is obviously superseded by the High Court order. Your direction that our clients should move the District Court on the lines indicated in your reply is out of place especially when you recognise the force of the High Court order as you are indeed bound to. Our clients feel that they should place their greivance before the High Court of 45 Mysore in the interest of justice and for the protections of their rights. Once again our clients beg leave to bring to your notice the risks attending on the High Court order being so lightly treated on flimsy technical pleas. Our clients further note that while you are willing to renew the deposits which not now desired by our clients, you should studiously avoid saying "Yes" or "No" to our clients' demands 50 for the repayment of their moneys.

Yours faithfully,
(Sd.) M. KRISHNA MURTHY,
Advocate.
24-12-39.

Exhibit P72.

From

Mrs. Lakshmamma, wife of late Mr. K. Muninanjappa.
Mrs. Sharadamma, wife of Mr. Gurumurthy and
daughter of late Mr. K. Muninanjappa, No. 163,
Gandhi Nagar, Bangalore City.

Posting certified.

To

The Manager,
The Bank of Mysore, Ltd.,
Bangalore City.

Sir,

Re : Your Ref. F. D. 53—No. 77621, dated 23rd December 1939.

Except that an ex-parte order was passed on 2nd October 1937 that the same was made absolute on 4th April 1939 by the District Court and that the order of the District Court has been set aside by the High Court, there have been no orders of any other kind passed in the case touching the deposits under consideration.

In your reply of the 21st December 1939 you have suggested our getting "a letter from the District Court *cancelling their notice of 6th October 1937, etc.*" In your letter under reference you state that you are "still under the order dated 6th October 1937". We are at a loss to know what it really is that you refer to as of 6th October 1937.

When we ask you to return our moneys deposited with you, you have been avoiding saying anything definite, you are having recourse to vague and meaningless pretexts. We have substantial grounds to believe that for reasons best known to yourselves, you have been withholding the payments to us wrongfully. We cannot help thinking that the delay caused by you in empty correspondence and vague replies is deliberate and is calculated to cause us loss. Pleace note we decline to act as suggested by you. The High Court order empowers us to recover the deposits from you absolutely. You are bound to respect the High Court order. Pleace note further that we propose to bring to the notice of the Honourable High Court of Mysore about your persisting in your wrongful attitude towards the High Court order. We hold you liable for all losses caused to us by your wrongful course of conduct.

Bangalore City,
26-12-39.

Yours faithfully,
Here is the L. T. mark of Lakshmamma.
(Sd.) M. SARADAMMA.

"Copy."

Exhibit P73.

M. T. No. 1094—39-40.

DISTRICT AND SESSIONS JUDGE'S COURT, BANGALORE DIVISION.

BANGALORE, DATED 2ND JANUARY 1940.

From

H. NAJUNDIAH ESQ., B.A., B.L.,
Additional District and Sessions Juage,
Bangalore Division.

Ackd. and proceeds paid to parties.

(Id.) Not clear,
3-1-40.

To

The Manager,
The Bank of Mvsore, Ltd.,
Bangalore.

Sir,

Adverting to your letter No. 41534, dated 6th October 1937, *re* the prohibitory order issued in O. S. No. 11—37-38 of this court (K. M. Narayana Reddy *Vs.*

Lakshmamma and Saradamma). I have the honour to state that the said prohibitory order may be returned to this court, as the order of temporary injunction passed by this court is dissolved by the High Court of Mysore, Bangalore, in Miscellaneous Appeal No. 1 of 39-40 on the file of that court.

5 I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) H. NANJUNDIAH,
Additional District Judge.

10 Exhibit P74.

F. D. 54—1518. 3rd January 1940.

The Additional District Judge,
Bangalore.

Dear Sir,

15 *Re: F. D. R. Nos. 43—454 and 457 for Rs. 15,000 and 8,000.*
O. S. No. 11—37-38, K. M. Narayana Reddy Vs. *Lakshmamma and Saradamma.*

We are in receipt of your letter No. 1094—39-40 of the 2nd instant and note with thanks that the temporary injunction issued in the above case has been dissolved by the High Court of Mysore, Bangalore, in Mis. Appeal No. 1—1939-40
20 on the file of that court, and we have accordingly paid the proceeds of the above deposits to the depositors.

Yours faithfully,
(Sd.) Not clear,
Manager.

25 Exhibit P75.

F. D. 813. 3rd January 1940.

Srimathi Lakshmamma,
Srimathi Saradamma,
183, Gandhinagar,
30 Bangalore City.

Madam,

Re: F. D. R. Nos. 43—454 and 457 for Rs. 15,000 and Rs. 8,000, respectively.

Please call on us with the above deposit receipts to receive payment of the deposit amounts as we have since received a communication from the District
35 Court, Bangalore, to that effect.

Yours faithfully,
(Sd.) Not clear,
Manager.

Exhibit P76.

40 S. K. Venkataranga Iyengar, B.A., LL.B., 2nd January 194(
Advocate,
Residence : Kanakamandiram, Gandhi Nagar.
Chambers : Chickpet, Bangalore City.

The Manager,
45 Bank of Mysore, Ltd.,
Bangalore.

Dear Sir,

Re: Fixed Deposit Receipts Nos. 43—454 and 45—457.

50 In this matter I do not wish to express any opinion in view of the circumstance that I had issued a notice to the Bank on behalf of one of the parties (Mr. K. M Narayana Reddy) to the suit.

I presume the then Legal Advisor Mr. B. Vasudeva Murthy must have give you his opinion on the question as to the Bank's obligations in respect of the fixe
55 deposit. In any event, you may take *if need be* independent legal advice in th matter.

Yours faithfully,
(Sd.) S. K. VENKATARANGA IYENGAR,
Advocate.

English translation of the copy of the Will of late K. Muninanjappa :—

Will got written on the fifth day of January nineteen hundred and thirty five by me K. Muninanjappa, son of Kannelli Venkatappa, aged about thirty years, Contractor and Land-holder by profession, residing at Jougupalyam, Ulsoor, C. & M. Station, Bangalore, while in his good sense and consciousness is as follows :—

This Will has to be got written as my present bodily condition is not good, my ailment has increased since past two months as life is not certain and as I had to settle the future proper management and conduct of all my family affairs after my death.

I am the only son of my father Venkatappa. I have no utrine brothers or sisters. Excepting a wet land and a house which were my only two ancestral properties. I had no other properties. Without the help of any other property with my wisdom and with great difficulty by the contract of buildings, etc., during the last thirty years, I earned properties worth about two lakhs of rupees all of which are in my own possession and enjoyment.

I have six sons, the first by name K. M. Narayana Reddy, aged about twenty years, the second by name Kodandarama Reddy, a minor, now aged about thirteen years, the third by name Krishna Reddy, now minor, aged about ten years, fourth by name Purushotham Reddy, minor, now aged about nine years, fifth by name Janarthana Reddy, now aged about five years, minor, and sixth by Madhava Reddy, minor, now aged about three years; and three daughters, first Saradamma, aged about sixteen years, second Meenakshamma, now minor and aged about seven years and third by name Komalamma, now aged about two years, minor; altogether nine children both male and female. Of these, my first son Narayana Reddy has married two wives and has been living with his children. I have given my first daughter Saradamma in marriage to Gurumurthappa who is under my protection. They are all in my family supported by me. Of the immoveable properties mentioned in the schedule hereunder, the first item should be given to my first son Narayana Reddy, second item to second son Kodanda Rama Reddy, third item to the third son Krishna Reddy, fourth item to the fourth son Purushotham Reddy, the fifth item to the fifth son Janarthan Reddy, the sixth item to the sixth son Madhava Reddy and the seventh item to my first daughter Saradamma. Besides these, the fixed deposits kept by me in the Bank of Mysore in the names of my second son Kodandarama Reddy, the third son Krishna Reddy, fourth son Purushotham Reddy, fifth son Janarthan Reddy, sixth Madhava Reddy and my daughters first Saradamma, second Meenakshamma and third Komalamma should go to them respectively and should be disposed of as I have directed hereunder.

EXHIBIT P 77 (a).

(Ind.) A. S. R.,
Second Additional Sessions Judge.

[Out of the fixed deposit amounts kept by me in the Mysore Bank, the whole interest accruing on the fixed deposit amount which is in the name of my wife Lakshmamma she is entitled to enjoy during her life time as she likes and she is also at liberty to dispose of as she pleases rupees two thousand out of the fixed deposit standing in her name. The rest of the amount should go in equal shares to Meenakshamma and Komalamma my two daughters, after the life time of Lakshmamma. Out of the money deposited in the name of my wife Lakshmamma, she can only dispose of according to her own desires, the sum of rupees two thousand and the interest accruing due on the whole amount, and she has no right to utilise the whole amount. If unfortunately either Meenakshamma or Komalamma should die during the life time of Lakshmamma, then their shares namely, four thousand rupees each if both should predecease Lakshmamma the entire sum of rupees eight thousand should go to my five minor sons Kodanda Rama Reddy, Krishna Reddy, Purushotama Reddy, Janarthana Reddy and Madhava Reddy or to such of them as may be alive in equal shares. Lakshmamma is bound by this condition. Therefore out of the sums given to Lakshmamma excepting the sum of Rs. 2,000 over the rest she is given the right to enjoy the interest. The sum of rupees eight thousand as above said, should, after Lakshmamma's life time go absolutely to my sons or daughters that may then be alive.]

As my eldest son Narayana Reddy has married two wives and has already to bear the burden of the family I have decided to give him two shares, and have given him not only the first item of the property which is the biggest of all the properties mentioned in the schedule, but have also declared that the undermentioned amount and shares should be given to him and have transferred them to him. The details of amounts and shares to be given to him are given hereunder.

In the same manner as I have been protecting the joint family, I desire that after my life my wife Lakshmamma and my eldest son Narayana Reddy both dearly loved by me, should bear the responsibility of protecting them in my place, I have therefore hereby appointed them as joint guardians of all my minor children. My eldest son Narayana Reddy should do all that is necessary to earn the appreciation of his mother Lakshmamma and carry on the management of the family under her advise. Expenses must be economised in a manner so as neither to diminish the minors' estate nor to stint their progress and not more than rupees two thousand should be utilised for the marriage of minor daughters and not more than rupees one thousand for the marriage of minor sons.

My wife and my eldest son are fully authorized by me to carry out the minor daughters' expenses, that is, their marriage expenses, from out of the amounts given to their shares. But the expenses of minor sons should be met only from out of the joint property and it must be seen that their shares are not reduced.

The abovesaid guardians are authorized by me to use the amounts now in fixed deposit and the amounts realized by the Bank transactions in a manner to get better profits in the interests of the minors. The household expenses namely, the whole expenses of the family should be met only from out of the income of the immoveable properties and the guardians shall not use for this purpose either the deposits or the realizations from banking transactions.

When the said minors become majors they must be put in possession of their respective shares by the abovesaid guardians. But Sharadamma has the right to enjoy the share given to her only during her life time and the absolute right over it does not belong to her. I have given to my daughter Sharadamma, a share more or less equal to that which I have given to my sons. I have given to her share Rs. 5,000 more than I have given to my other children. Gurumurthy who is her husband, who is my brother-in-law's son and who was brought up by me, I direct that five thousand rupees out of her share be drawn from the Bank and that the said sum be given to him. I desire that the said Gurumurthy will continue to remain one in the family as he is now and do the necessary acts for the family's benefit and progress. Other properties given to Sharadamma should belong to her children. If she dies otherwise it shall belong to my descendants.

All the moveable and immoveable properties that are left unmentioned in the abovesaid Will should wholly belong to my sons. To this effect have I, with my free will and consent when I am in good sense and consciousness, got written this Will by my lawyer Mr. S. K. Venkataranga Iyengar, got it sealed and deposited with him for safe custody. Whatever Will I may have executed before this stands cancelled hereby.

Schedule.—1. Municipal Door No. 9, situate in Haudin Road, Ulsoor, Civil and Military Station.

2. Bungalow bearing Municipal Door No. 18 in Berlie Street, Lackfort Town, Civil and Military Station.

3. Bungalow No. 20 in the same Berlie Street.

4. Bungalow, Municipal Door No. 22, in the same Berlie Street.

5. Bungalow No. 13 situate in Park Road. Tasker Town, Civil and Military Station.

6. Bungalow No. 14 situate in Park Road, Tasker Town, Civil and Military Station.

7. Bungalow Municipal Door 24, in Longford Town, Civil and Military Station, Bangalore.

8. Bungalow No. 22 in Cambridge Road, Civil and Military Station, Bangalore.

9. Bungalow No. 12 in the said Curve Road.

10. Other moveable and immoveable properties.

Signed in our presence, after admitting that what is stated above has been informed to them, this has been executed with their knowledge and consent.

Witnesses.—(Sd.) M. Venkataswami.
(Sd.) T. Balakrishna Mudaliar.
(Sd.) Nanjundappa. 5
(Sd.) Anugondanahalli Native Pandit Narasimhiah.
(Sd.) M. Gurumurthy.
(Sd.) K. M. Narayana Reddy.
Left thumb mark of Lakshmamma. 10
(Sd.) Pilliah.

Exhibit P78.

To

The Inspector of Police,
'C' Division, Basavangudi, 15
Bangalore City.

Dear Sir,

This is to inform you that my brother-in-law, Mr. Mokshagundam Krishna Murthy, B.A., L.L.B., Advocate, Cottonpet, Bangalore, left his office at Tank Road, Cottonpet, at about 7-30 P.M. on 2nd March 1940, for his residence located North 20 Road, Basavangudi. He has not so far reached his house and his whereabouts are not known.

There is information that a person was forcibly removed in a motor vehicle from the maidan adjoining National High School at about 7-50 P.M. on 2nd March 1940 and that he was crying "ಅಯ್ಯೋ", etc. 25

My brother-in-law was usually cutting across the maidan when going to his house from the office and also when leaving the house to office. He is also handling hotly contested cases in the District Court, Civil and Military Station and also in the City Courts and the feelings between him and the opposite party were very much strained. His sudden disappearance and the incident in the field make me 30 believe that he must have been abducted and I suspect foulplay. His description is as follows :—

Aged about 55 years, fair complexion, tall, lean, grey-haired, red rashes on the temples, marks of eczema on both the legs wearing an open color coat, tie, waist coat and dhoti. 35

Kindly make necessary action.

Yours faithfully,

(Sd.) VAJAPEYAM VENKATESAIAH,
Premier Book Co.,
Kempe Gowda Road, 40
4-3-1940.

Received at 11-30 A.M.
(Sd.) Not clear.
C. B. D.
4-3-1940. 45

Exhibit P79.

THE BANK OF MYSORE, LIMITED.

Bankers to the Government of
His Highness The Maharaja of Mysore, (Established 1913).

Head Office, Bangalore City.

Exhibit P80.

C. V. Narasimhaiengar, B.A., B.L.,
S. K. Venkatarangiengar, B.A., LL.B.,
B. T. Ramaswami, B.A., B.T., L.LB.,
Advocates.

Chickpet,
Bangalore City.
23-9-1935.

Dear Mr. Narayana Reddy,

In accordance with the conversation we had the other day, at *Rao Saheb* C. M. Suryapraksh's Bunglow, I am herewith sending you a copy of the Will left by the deceased Muninanjappa to be handed to you, one of the executors appointed by him under the Will.

Please be good enough to send Rs. 5 being charges for getting the same prepared and sent.

Yours Sincerely,

(Sd.) S. K. VENKATARANGA IYENGAR.

Exhibit P80(a).

Note.—I have this day forwarded another copy to the Prosecutor's Counsel *Rao Saheb* C. M. Surya Prakash.

MR. NARAYANA REDDY,
Ulsoor, C. & M. Station,
Bangalore.

Exhibit P 81.

18th July 1938.

The District and Sessions Judge,
Bangalore Division, Bangalore.

Dear Sir,

Re: Mis Case No. 67 of 1935-36 on your file.

With reference to your letter No. M. T. 57 of 13—14th instant, we have this day renewed the principals of Fixed Deposit Receipts No. 43—449, 43—450, 43—451, 43—452, 43—453, 43—455, 43—456 for Rs. 10,000, 10,000, 10,000, 10,000, 10,000, 5,000 and 5,000, respectively and their respective new Nos. are: 51-53, 51-54, 51-55, 51-56, 51-57, 51-58 and 51-59 for the like sums.

In accordance with your letter No. M. T. 1291 of 5th April 1938 we paid on 6th April 1938 to Srimathi Lakshmamma, a sum of Rs. 631-1-0 being the interest that was available on the above seven deposits, and to-day we have paid her Rs. 1,621-8-0 being the interest from due date to this date (*i.e.*, from 5th November 1935 to 18th July 1938) on the same.

Yours faithfully,

(Sd).

Manager.

Exhibit P 82.

From

Srimathi Lakshmamma,
13, G. No. 5 Street,
Ulsoor, Bangalore (Cantt.)

4th July 1940.

Int. sent to party by chq. 8 F.D's.
Returned to party 30/4.
(Id.) Not clear.

To

The Manager,
Bank of Mysore, Ltd.,
Bangalore City.

Ref: *Fixed Deposits No. 43-449—43-457.*

Sir,

I am herewith sending you the nine F. D. receipts standing in my minors' names and myself and also the order of the District Court, Bangalore City,

Please renew the F. D. No. 43-449 to 43-456 for one year. Let the F. D. No. 43-457 in my name be not renewed. Please send the interest on my F. D. amounting Rs. 10,000.

Bangalore,
29-4-36.

Left thumb mark of
Srimathi Lakshmamma,
(Mrs. K. Muninanjappa).

B. S. C. No. 39-40.

Exdibit 82 (a).

Attested by M. Gurumurthy.

Exhibit P83.

"GRASMERE," OSBORNE
ROAD, BANGALORE,
24th July 1935.

From

Rao Sahib, C. M. Surya Prakash, B.A., B.L.,
Advocate, Notary Public, Official Receiver,
Public Prosecutor and Government Pleader.

To

E. Ahobalanath, B.A., B.L.,
Advocate, No. 119,
Mr. K. Narayana Reddy,
son of K. Muninanjappa,
Cambridge Road,
Ulsoor, Bangalore.

Sir,

Re: Estate of Muninanjappa.

I am instructed by Srimathi Lakshmamma, widow of the late Muninanjappa and guardian of her minor sons, that you have informed her that her late husband has left a Will and that Mr. S. K. Venkataranga Iyengar, Advocate, Bangalore City, is in possession thereof. She is not aware of the execution of the said Will nor does she know what are the contents thereof. She further informs me that she has been asking you for a copy of it and that she has been constantly put off.

I am further instructed that you are at variance with her claiming under the said Will and have taken possession of certain property which you are wasting.

I am also instructed to call upon you, which I hereby do, to furnish me with a copy of the alleged Will of Mr. Muninanjappa so that she may take steps to safeguard the estate.

Yours faithfully,
(Sd.) C. M. SURYA PRAKASH.

Exhibit P83 (a).

ACKNOWLEDGMENT.

(To be returned to office of posting for delivery to sender.)

Received a registered letter No. 21, addressed to (Name) Mr. K. Narayana Reddy, son of K. Muninanjappa, Cambridge Road, Ulsoor, Bangalore.

Signature of the addressee: K. M. N. Reddy.

Date of delivery, 25th July 1939.

ON POSTAL SERVICE.

Sender's name and address: Mr. C. N. Suryaprakash,
No. 5, Osborne Road, Bangalore.

Exhibit P84.

Rao Sahib C. N. Surya Prakash, B.A., B.L.,
Advocate, Bangalore.

Sir,

5 In reply to your notice to me dated 24th July 1935, I beg to reply as follows:—

It is true that the deceased K. Munindnjappa left a Will and that the same is in possession of Mr. S. K. Venkataranga Iyengar. It is not however true that your client has notice of this on my information. She is perfectly aware of the contents 10 of the Will and was also present at the time of execution. She has also attested the Will. It is curious therefore how she could have denied the obvious facts.

I do not know how it is possible for me to get her a copy of the Will when the will is in possession of the family advocate, Mr. S. K. Venkataranga Iyengar, having been entrusted to his custody with your client's full knowledge and concur- 15 rence.

Under the Will both myself and your client have been appointed as guardians to the minors and to the estate of the deceased.

It is false and improper to impute to me that I have taken possession of certain properties and that I am wasting the same. On the other hand apart from other 20 incidents recently I am given to understand that she has without my knowledge drawn half-yearly interest on the fixed deposits standing in the name of minors in the Bank of Mysore.

Persons who are not well disposed towards the family have been obviously trying to exploit the situation and creating a hitch between me and my mother 25 your client and they have made her leave me, with the family belongings.

All that I have done is the pursuance of the deceased testator's wishes, to the benefit of the minors and the estate and with my mother's knowledge and consent.

Persons interested in the family have been meeting often at my mother's wishes and are arranging things according to her liking. I am therefore at a loss to know 30 how my mother thought fit to cause this notice to be issued.

You can assure her that I am so much anxious to safeguard the estate as she is and that I have been only too glad to meet her wishes in accordance with the deceased testator's wishes. Apart from your capacity as a professional gentleman, as a respected elder I shall thank you to advise my mother to co-operate with me 35 in the best interests of the minors and the estate.

Yours faithfully,
(Sd.) K. M. NARAYANA REDDY.

Exhibit P85.

Rao Sahib C. N. Suryaprakash, B.A., B.L.,
40 Advocate and Notary Pu
Official Receiver,
Public Prosecutor and Government Pleader.

E. Ahobalanath, B.A., B.L.,
Advocate.

"Grasmere", Osborne Road,
Bangalore, 23rd August 1935.

45 MR. K. M. NARAYANA REDDY,
22, Cambridge Road,
Ulsoor, Bangalore.

SIR,

I am instructed by Srim amma your mother that you are interfer- 50 ing with the land and out-houses belonging to her and adjoining No. 22, Cambridge Road and that the said plot of land and building are her own and that you have no business to interfere with any thing thereon or relating thereto.

I am further instructed that valuable timber of value of about Rs. 5,000 is lying and that you are interfering with it and have already disposed of a good 55 quantity of the timber.

I am further instructed that you are trying to obtain possession of the buildings unlawfully and are meddling therewith besides attempting to dig pits in the said land.

I am also instructed to call upon you to desist from further interference, to make good the loss you have caused already and apologise for the unlawful acts done by you.

I am also instructed that in case of your failure to do so criminal proceedings will be instituted against you without further notice. 5

Yours faithfully,
(Sd.) E. AHOBALANATH,
For C. N. SURYA PRAKASH.

Exhibit P86.

Rao Sahib C. N. Suryaprakash, B.A., B.L., 10
Advocate and Notary Public,
Official Receiver,
Public Prosecutor and Government Pleader.

E. Ahobalanath, B.A., B.L.,
Advocate.

"Grasmere," Osborne Road,
Bangalore, 12th August 1935. 15

MR. K. M. NARAYANA REDDY,
22, Cambridge Road,
Bangalore.

SIR,

Re: Estate of Muinanjappa. 20

With reference to yours of the 29th ultimo, I am instructed to state that your mother, my client, knows nothing of the Will except from hearsay and that all your imputations are false. She repudiates all your statements and suggestions. It is curious that you have not sent me a copy of the Will when you purport to claim rights of guardianship under it. A communication to Mr. Venkataranga Iyengar 25 has elicited no reply.

I am further instructed that you were responsible for driving away your mother from the house by your ill-treatment of her and that you have been doing everything in your power to annoy her and to put her and all her other children to every possible inconvenience and trouble. My client is at a loss to understand 30 what you mean by 'family belongings."

I am further instructed that you are in the hands of evil-advisers and that it is false that you are acting either in pursuance of your father's wishes or for the benefit of the estate with your mother's knowledge and consent.

My client does not understand what you mean by stating persons interested 35 in the family have been meeting often any my mother's wishes and are arranging things according to her liking. Your mother has no other interests than those relating to safeguarding of the estate and the welfare of all her children.

Yours faithfully,
(Sd.) C. N. SURYA PRAKASH. 40

Exhibit P87.

Rao Sahib C. N. Suryaprakas, B.A., B.L.,
Pleader and Notary Public,
Official Receiver,
Public Prosecutor and Government Pleader. 45

E. Ahobalanath, B.A., B.L.,
Advocate.

"Grasmere, Osborne Road,
Bangalore, 27th August 1935.

No. 318.

Messrs.—

1. Thammana, 50
7 G. No. 10 Street,
Jougupalyam, Bangalore.

2. K. M. Narayana Reddy,
22, Cambridge Road,
Ulsoor, Bangalore. 55

Re: Estate of Muninanjappa.

SIR,

I am instructed by my client, Srimathi Lakshmamma, widow of the late Mr. K. Muninanjappa and the guardian of her minor children that you are indebted to the estate of the late Mr. K. Muninanjappa.

My client is entitled to the repayment of the said debt and I am further instructed to request you to pay the amount due by you to her and to receive receipts duly signed by her.

I am also instructed to state that she will not recognise payments made to any one else or receipts obtained from any one else and that if you should pay the amount to any one else you will be doing so at your own risk.

Yours faithfully,
(Sd.) E. AHOBALANATH,
for C. N. SURYAPRAKAS.

Exhibit P88.

Rao Sahib C. N. Surya Prakas, B.A., B.L.,
Advocate, Notary Public, Official Receiver,
Public Prosecutor and Government Advocate.

E. Ahobalanath, B.A., B.L., Advocate.
'Grasmere,' Osborne Road,
Bangalore, dated 30th November 1935.

Mr. K. M. Narayana Reddy,
22, Cambridge Road, Ulsoor, Bangalore.

Sir,

Re: Estate of Mr. Muninanjappa.

I am instructed by Srimathi Lakshmamma your mother and the guardian of your minor brothers that you are interfering with valuable timbers of the value of about Rs. 5,000 belonging to the abovementioned estate lying within the compound of No. 22, Cambridge Road and that you are making arrangements to cut the said timber and that you have no business to cut or interfere with the same.

I am further instructed to state that you are in possession of valuable furniture, building materials, two motor cars, a jutka, a coach, a radio set and many other valuable articles belonging to the abovementioned estate which either you are trying to dispose of or keeping in your exclusive possession, which is quite illegal.

I am further instructed to call upon you which I hereby do, to desist from further interference and to apologise for the unlawful acts done by you.

I am also instructed that in case of your failure to do so criminal proceedings will be instituted against you without further notice.

Yours faithfully,
(Sd.) E. AHOBALANATH,
For C. N. SURYA PRAKAS,

Exhibit P89.

To

Mrs. Lakshmamma, wife of late Mr. K. Muninanjappa Reddy,
Door No. 13, G. Number 5th Street, Ulsoor, Bangalore.

My dear mother,

It is unfortunate that you are creating unnecessarily news intended to lower me amongst relatives and friends. I am more pained to be told that you and I are doing things which are at cross purposes.

Out of deference to you and respecting the wishes of my late father I have been straining every nerve in order to keep the family prestige and the properties intact. I offered to abide to any reasonable proposal that may be put forward by you. You suggested a conference of relatives and well-wishers of the family. Thereafter you suggested that the matter may be talked over with *Rao Sahib* Suryaprakash. I agreed to discuss and place my grievances before them. Subsequently Mr. S. K. Venkatarangiengar has sent me a copy of the Will and also stated that another copy has been sent to you. As both of us are executors under the Will, you are however, making my position very embarassing. You are causing notices to issue to the tenants to the Debtors and to Banks, fully ignoring my rights.

You have taken charge of 6½ per cent Treasury Bonds and other bonds to the value of Rs. 30,000 bequeathed by my deceased father for charities and made over

to the trustees named under the Will. The 6½ per cent bonds have matured and interest thereon has ceased to run from 15th September. My request to you to re-delivery of the bonds with a view of their being operated by the trustees for the charities has remained unheeded. I shall feel grateful if even at this stage you will co-operate with me in giving effect to the intentions of the deceased without allowing interested persons to exploit our misunderstandings. To ensure the delivery of this letter so that I might have a reply from you early send the same by registered post.

Hoping to hear from you soon,
Yours loving son,
(Sd.) K. M. Narayana Reddy.

22, Cambridge Road,
Ulsoor, Bangalore,
1st October 1935.

Exhibit P90.

From
K. M. Narayana Reddy,
22, Cambridge Road, Ulsoor,
C. & M. Station,
Bangalore.

To
Rao Bahadur C. N. Surya Prakas, Esq., B.A., B.L.,
Advocate, C. & M. Station,
Bangalore.

Dear Sir,

Out of deference to her age and of relationship I have been straining every nerve in order to safeguard the family prestige and the properties left behind by my deceased father. I acceded to the suggestion of having my mother Lakshmamma's alleged grivances settled by certain relatives and friends of the family. You are also aware that I agreed to discuss all matter with you and with Mr. S. K. Venkataranga Iyengar who is the Counsel with whom my father was consulting all affairs, concerning himself and his family. Thereafter though there were several meetings in your house no settlement was arrived at. It would be fruitless and unprofitable to discuss the reasons for failure of negotiations. Even as the negotiations while in progress she has caused notices to be issued by you charging me with certain acts of tort, to wit (i) "interference with valuable timber of the value of about Rs. 5,000 (2) interference with valuable furniture, building materials, two motor cars, a jutka, a coach, a radio set and many other valuable articles."

I was not anxious to jeopardise any chances of settlement by giving any reply to the notice which would add to controversies. Since, however, I find that all the talk of negotiations is only a ruse to put me off from exercising my duties as executor under the Will of my late father I am constrained to reply to your notices dated 12th August 1935, 23rd August 1935, 27th August 1935 and 30th November 1935 lest my silence may be used as a handle against me.

It is not true that there is timber of the value of Rs. 5,000 lying in the compound of 22, Cambridge Road, whatever timber was at the time of the death of my father continues to remain in the same compound as before. There was never any attempt on my part to cut the same or to dispose off the same. It is significant that in this respect the allegations in the notices, dated 23rd August 1935 and 30th November 1935 differ materially. However of the timber in the compound a portion of it belongs exclusively to me. It is false that I am in possession of any car belonging to the estate of my late father. I had purchased a Buick Car which my father wanted for his use. He bought for me in return a Standard Car which is in my use. The Buick Car was with your client's knowledge and consent sold away for Rs. 550 as its maintenance was considered costly. The Radio set referred to is in my exclusive property and I purchased the same so recently as 21st January 1935. After my mother left the house with all the furniture I had to purchase fresh furniture for my own use.

It is not also true that there are any building materials or valuable furniture belonging to the estate of my father with me. Whatever furniture that belonged to the estate was removed by my mother Mrs. Lakshmamma when she shifted from No. 22, Cambridge Road. She removed in addition family jewels of about the value of Rs. 6,500 and the jewels belonging to my wife of the value of Rs. 3,500 and a saree of the value of Rs. 450 belonging to my wife. Besides these, she has also removed jewels worth Rs. 9,000 which had been pledged with my late father for Rs. 4,500. She has also removed silver articles belonging to the estate worth Rs. 250 as also silver articles belonging to me worth Rs. 250. She has also in her possession several pronotes, bonds, under which monies are due to the estate of my deceased father. I am informed that she has collected a part of such outstandings. She has not rendered accounts of a sum of about Rs. 6,000 which remained in her hands and of the rents and produce she has collected after getting receipts from me.

She is also in possession of a motor car which she has purchased from out of the monies that she has collected belonging to the estate.

She is also in possession of one H. M. V. Gramaphone with 42 records and family vessels, brass and copper, of considerable value.

Though under the Will of my deceased father she is appointed a joint executor with me, she has not been rendering accounts regarding the above. She has withdrawn interests amounting to Rs. 1,600 on fixed deposits in the name of my minor brothers and sisters with the Bank of Mysore, Ltd., Bangalore. I have already drawn your kind attention to these in my reply, dated 29th July 1935, to your notice, dated 24th July 1935. She is in custody of Government of India 6½ per cent and 3½ per cent Treasury Bonds of the value of Rs. 30,000 bequeathed by my deceased father for charities and endorsed in favour of the trustees named by him under the Will. Though the Bonds have matured and interest thereon has ceased to run from 16th September 1935, she has not cared to return the same even through I requested for their return by a registered letter, dated 1st October 1935.

To add insult to injury she has issued notice to the tenants not to pay me rents and has been imputing to me several acts damaging my character. She has also caused several criminal complaints to be filed against me. Her allegation that I am interfering with the land and out-houses belonging to her adjoining to No. 22, Cambridge Road and that the said plots and buildings are her own, stand on the same footing. My father purchased the same in her name benami. She is obviously taking advantage of the sale being in her name to assert individual proprietory rights. While she agreed to act under the Will of my deceased father she has been latterly disclaiming all knowledge thereof and is otherwise acting against the interests of the minors' estate. She has further got a notice issued by you on 27th August 1935 calling upon me to pay her a debt which she alleges I am due though she knows that no such debt is due.

In these circumstances, I can no longer allow things to drift and abdicate my responsibilities as an Executor and as the guardian of my minor brothers and sisters, as under the Will of my late father, I had perforce to safeguard the rights of the minors and the estate, file an application Mis. No. 11 of 1935-36 on the file of the District Judge, Bangalore City, to restrain her from withdrawing the deposits in the Bank of Mysore. That only a week ago she once again made a show of coming to a settlement and acting in accordance of the decision of the panchayatdars. It now transpires that this has been the latest attempt to put me off. Persons who are not well disposed towards the family have been obviously trying to exploit the situation and widen the gulf between us. I should be grateful if even at this stage you can advise your client to co-operate with me (as mother and son) in giving effect to the intentions of the deceased without allowing interested persons to further exploit the differences and avoid all litigation which means a terrible drain on the estate.

Thanking you,

Yours faithfully.

BANGALORE,

4th January 1936.

(Sd.) K. M. NARAYANA REDDY.

Exhibit P 91.

MALLESWARAM,

Dated 22nd October 1935.

My Dear Mr. Prakash,

Under Doctor's advice I have had to prolong my rest for 2 more days. 5

I shall feel obliged if you can have the meeting fixed up to Friday evening without fail.

Thanking you,

With regards,
Yours sincerely, 10

(Sd). S. K. VENKATARANGA IYENGAR.

Exhibit P 92.

No. 109. *Dated 17th July 1935.*

S. K. Venkatarangaiengar, Esq., B.A., B.L.,
Advocate, Bangalore City. 15

Dear Sir,

Re ESTATE OF MUNINANJAPPA.

I am instructed by Srimathi Lakshmamma, widow of the late Mr. Muninanjappa and guardian of her minor sons, that you have informed her that her late husband left a Will and that you are in possession thereof. She is not aware of 20 the execution of the said Will nor does she know what are the contents thereof. She further informs me that she has seen asking you for a copy of it and that she has been constantly put off.

I am further instructed that her eldest son who is at variance with her and who is claiming under the said Will has taken possession of certain property which 25 he is wasting.

I am also instructed to request you, which I hereby do, to furnish me with a copy of the alleged Will of Mr. Muninanjappa, so that she may take steps to safeguard the estate.

A very early reply will greatly oblige. 30

I am,
Yours faithfully,

Exhibit P 92 (a).

ACKNOWLEDGMENT.

(To be returned to office of posting for delivery to sender). 35

Received a registered letter No. 647 addressed to (Name) S. K. Venkataranga Iyengar, Esq., B.A., B.L., Advocate, Bangalore City.

Signature of addressee:
(Sd.) S. K. VENKATARANGA IYENGAR.

Date of Delivery—21st July (year not clear.) 40

ON POSTAL SERVICE.

Sender's name: Mr. C. N. Suryaprakash, B.A., B.L.,
No. 5, Osborne Road, Bangalore.

Name Stamp of .....
Office of posting..... } Bangalore.

Exhibit P93.

ACKNOWLEDGMENT.

(To be returned to office of posting for delivery to sender).

Received a registered letter No. .....addressed to (Name) Mr. S. K. Venkata-
5 ranga Iyengar, Advocate, Chickpet, Bangalore City.

Signature of addressee :
(Sd.) S. K. VENKATARANGA IYENGAR.

Date of delivery—12th December 1935.

ON POSTAL SERVICE.

10 Sender's name and address: Mr. C. N. Suryaprakash,
No. 5, Osborne Road, Bangalore.

Exhibit P94.

ACKNOWLEDGMENT.

(To be returned to office of posting for delivery to sender).

15 Received a registered letter No. 270 addressed to (name) S. K. Venkataranga Iyengar, Esq., B.A., B.L., Advocate, Bangalore City.

Signature of addressee:
(Sd.) S. K. VENKATARANGA IYENGAR.

Date of delivery—13th August 1935.

20 ON POSTAL SERVICE.

Sender's name and address:—Mr. C. N. Suryaprakash,
No. 5, Osborne Road, Bangalore.

Exhibit P95.

25 Book of letters, etc., despatched, produced by P. W. No. 30.

Exhibit P95 (a).

Extract of the Page No. 22.—

Dated 10th August 1935, 146. S. K. Venkataranga Iyengar, City. Letter, L. F.

30 Dated 12th August 1935, 147. K. M. Narayana Reddy, Bangalore. Letter, Cover.

Exhibit P96.

Eighteen Government of India Treasury Bonds worth Rs. 30,000.

Exhibit P96(1).

40 Endorsement on the Government of India Promissory Note for Rs. 5,000 at 3 per cent – No. M. 007285 of 1896-97, dated the 30th day of June 1896.

Pay to K. M. Narayana Reddy or Order.

45 Left thumb mark of K. Muninanjappa.
Witnessed by me.

(Sd.) H. GUNDAPPA,
Special Magistrate,
6-1-1935.

50 Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Exhibit P96(2).

Endorsement on Government of India 6½ per cent Treasury bonds, 1935, No. H000542, dated the 15th September 1931 for Rs. 5,000.

Pay to K. M. Narayana Reddy or Order.
O Left thumb mark of K. Muninanjappa.
Witnessed by me.

(Sd.) H. GUNDAPPA,
Special Magistrate,
6-1-1935. 10

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Exhibit P96(3).

Endorsement on Government of India 6½ per cent Treasury bonds, 1935, 15
No. H000541, dated the 15th September 1931 for Rs. 5,000.

* * * *

Pay to K. M. Narayana Reddy or Order.
O Left thumb mark of K. Muninanjappa.
Witnessed by me. 20

(Sd.) H. GUNDAPPA,
Special Magistrate,
6-1-1935.

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Exhibit P96(4). 25

Endorsement on Government of India 6½ per cent Treasury bonds, 1935, No. H000540, dated the 15th September 1931 for Rs. 5,000.

Pay to K. M. Narayana Reddy or Order.
O Left thumb mark of K. Muninanjappa. 30
Witnessed by me.

(Sd.) H. GUNDAPPA,
Special Magistrate,
6-1-1935.

Seal of the Court of the Bench of Magistrates, Civil and Military Station, 35
Bangalore.

Exhibit P96(5).

Endorsement on Government of India 6½ per cent Treasury bonds, 1935; No. G003789, dated the 15th September 1931 for Rs. 1,000.

40

Pay to K. M. Narayana Reddy or Order.
O Left thumb mark of K. Muninanjappa.
Witnessed by me

(Sd.) H. GUNDAPPA,
Special Magistrate, 45
6-1-1935.

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Exhibit P 96(6).

Endorsement on Government of India 6½ per cent Treasury bonds 1935, No. G. 003745, dated the 15th September 1931 for Rs. 1,000.

5 Pay to K. M. Narayana Reddy or Order.
Left thumb mark of K. Munindnjappa.
Witnessed by me.

(Sd.) H. GUNDAPPA,
Special Magistrate.
10 6-1-35.

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Exhibit P 96(7).

15 Endorsement on Government of India 6½ per cent Treasury bonds 1935, No. G. 003743, dated the 15th September 1931 for Rs. 1,000.

Pay to K. M. Narayana Reddy or Order.
Left thumb mark of K. Munindnjappa.
20 Witnessed by me.

(Sd.) H. GUNDAPPA,
Special Magistrate.
6-1-35.

Seal of the Court of the Bench of Magistrates, Civil and Military Station,
25 Bangalore.

Exhibit P 96(8).

Endorsement on Government of India 6½ per cent Treasury bonds 1935, No. G. 003744, dated the 15th September 1931 for Rs. 1,000.

30

Pay to K. M. Narayana Reddy or Order.
Left thumb mark of K. Munindnjappa.
Witnessed by me.

(Sd.) H. GUNDAPPA,
35 *Special Magistrate.*
6-1-35.

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

40 Exhibit P 96(9).

Endorsement on Government of India 6½ per cent Treasury bonds 1935, No. G. 003746, dated the 15th September 1931 for Rs. 1,000.

Pay to K. M. Narayana Reddy or Order.
45 Left thumb mark of K. Munindnjappa.
Witnessed by me.

(Sd). H. GUNDAPPA,
Special Magistrate.
6-1-35.

50 Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Exhibit P 96 (10).

Endorsement on Government of India 6½ per cent Treasury bonds 1935, No. G. 003742, dated the 15th September 1931 for Rs. 1,000.

Pay to K. M. Narayana Reddy or Order. 5
Left thumb mark of K. Muninanjappa.
Witnessed by me.

(Sd.) H. GUNDAPPA,
Special Magistrate.
6-1-35. 10

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Exhibit P 96 (11).

Endorsement on Government of India 6½ per cent Treasury bonds 1935, 15
No. F. 001622, dated the 15th September 1931 for Rs. 500.

Pay to K. M. Narayana Reddy or Order.
Left thumb mark of K. Muninanjappa.
Witnessed by me. 20

(Sd.) H. GUNDAPPA,
Special Magistrate,
6-1-35.

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore 25

Exhibit P 96 (12).

Endorsement on Government of India 6½ per cent Treasury bonds 1935, No. F. 001619, dated the 15th September 1931 for Rs. 500

Pay to K. M. Narayana Reddy or Order. 30
Left thumb mark of K. Muninanjappa.
Witnessed by me.

(Sd.) H. GUNDAPPA,
Special Magistrate,
6-1-35. 35

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Exhibit P 96 (13).

Endorsement on Government of India 6½ per cent Treasury bonds 1935, 40
No. F. 001618, dated 15th September 1931 for Rs. 500.

Pay to K. M. Narayana Reddy or Order
Left thumb mark of K. Muninanjappa.
Witnessed by me. 45

(Sd.) H. GUNDAPPA,
Special Magistrate,
6-1-1935.

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore. 50

Exhibit P 96 (14).

Endorsement on Government of India 6½ per cent Treasury bonds 1935, No. F. 001624, dated the 15th September 1931 for Rs. 500.

5

10 Pay to K. M. Narayana Reddy or Order.
Left thumb mark of K. Muninanjappa.
Witnessed by me.

(Sd.) H. GUNDAPPA,
Special Magistrate,
15 6-1-35.

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Exhibit P 96 (15).

20 Endorsement on Government of India 6½ per cent Treasury Bonds 1935, No. F. 001620 dated the 15th September 1931 for Rs. 500.

Pay to K. M. Narayana Reddy or Order.
Left thumb mark of K. Muninanjappa.
25 Witnessed by me.

(Sd.) H. GUNDAPPA,
Special Magistrate.
6-1-1935.

Seal of the Court of the Bench of Magistrates, Civil and Military Station,
30 Bangalore.

Exhibit P. 96 (16).

Endorsement on Government of India 6½ per cent Treasury Bonds 1935, No. F. 001621, dated the 15th September 1931 for Rs. 500.

35

Pay to K. M. Narayana Reddy or Order.
Left thumb mark of K. Muninanjappa.
Witnessed by me.

(Sd.) H. GUNDAPPA,
40 *Special Magistrate,*
6-1-1935.

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Exhibit P 96 (17).

50 Endorsement on Government of India 6½ per cent Treasury Bonds 1935, No. F. 001623, dated the 15th September 1931 for Rs. 500.

Pay to K. M. Narayana Reddy or Order.
Left thumb mark of K. Muninanjappa.
55 Witnessed by me.

(Sd.) H. GUNDAPPA,
Special Magistrate,
6-1-35.

Seal of the Court of the Bench of Magistrates, Civil and Military Station,
60 Bangalore.

Exhibit P 96 (18.)

Endorsement on Government of India 6½ per cent Treasury bonds 1935, No. F. 001617, dated the 15th September 1931 for Rs. 500.

Pay to K. M. Narayana Reddy or Order.

Left thumb mark of K. Muninanjappa.

Witnessed by me.

(Sd.) H. GUNDAPPA, 10
Special Magistrate,
6-1-35.

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Exhibit P 97. 15

Confessional statement of V. S. Ponnambalam, accused, in C. Station Crime No. 122 of 39-40 before the *Ex-officio* First Class Magistrate, Bangalore Sub-Division made on 19th March 1940.

Q.—Where were you yesterday?

A.—Yesterday I was in the Bangalore Central Jail. 20

Q.—Wherefrom did you come to-day?

A.—They brought me from the Central Jail.

Q.—Do you know why you were remanded to Jail yesterday?

A.—I do not know.

Q.—Why did they bring you to my court yesterday? 25

A.—As I wished to make a voluntary confession of all that I know about the murder of the Lawyer Krishna Murthy, the Police brought me to you.

Q.—Did the Police tell you that you should give a statement before anybody about the facts you know of?

A.—No. Nobody told me. 30

Q.—Do you know who I am?

A.—After I came to the Court yesterday I came to know that you are a Magistrate.

Q.—Very well, you have come to give your statement before me. Has any one compelled you or induced you or taunted you by holding out promises to give 35 such a statement?

A.—No. Nobody has done so.

Q.—On what day did the Police arrest you.

A.—The Police arrested me on the night of 7th March 1940.

Q.—For how many days were you in the custody of the Police? 40

A.—I was in their custody till yesterday.

Q.—During this period did the Police torture or give you any trouble?

A.—No, Sir.

Q.—See. Who are all here in the Court?

A.—Only we two, myself and yourself. 45

Q.—If you want I will give some more time. Think over the matter. If you are prepared to make the statement without fear, I will take it down?

A.—It is not necessary. I have come here determined to give out all that I know.

Q.—If so, may I take down what you are going to say? 50

A.—Yes.

Q.—Do you know that if you make a statement and that if there are therein any facts that may go against you, they may be of some trouble to you thereafter?

A.—Whatever that may be, I am making the statement.

Q.—If so, what is the subject about which you have come here to give 55 your statement?

A.—I have come to make a statement about the murder of Lawyer Krishna Murthy which we committed.

Q.—You need not give a statement about this. If you do so, your statement will be used against you. What do you say for this?

A.—Whatever that may be, I am going to make my statement.

Q.—Who are you; to which caste do you belong. What is your age? and what is your occupation?

A.—My name is V. S. Ponnambalam. My father's name is V. Sampangi Mudaliar. I am about 27 years of age. I am a man of Madras. I have been working under K. M. Narayana Reddy since last three years.

Q.—You may say what you want to say.

A.—On the morning of Saturday, 2nd March 1940 at about 8-30, myself and K. M. Narayana Reddy started in his car (B.A. 3246) from Narayana Reddy's house. From there we went direct to Lawyer Venkataranga Iyengar's house which is in Gandhi Nagar. He was not in the house. From there we went to the office of Lawyer Somasekara Rao. Reddy got down from the car and went into the office. He came back after sometime. From there both of us went in the car to the office of Lawyer Venkataranga Iyengar and as he was not there we went straight to Ananda Bhavan Hotel. When we just got down and were entering the Hotel, Lawyer Venkataranga Iyengar came there in a car. Then Narayana Reddy and Venkataranga Iyengar were talking about something, standing near our car. In the end I heard only the following:—"Have you no moustaches. Don't be afraid. Come near the court". Then the lawyer got up in his car and drove away. We two went near the court after taking tiffin in the Hotel. I was near the car. Reddy went to the court to see Lawyer Venkataranga Iyengar. He returned after a long time. Both of us went to the Hotel. It was then about 2 o'clock in the afternoon. Reddy went to the court saying that he wanted to talk to Venkataranga Iyengar again. About 3 o'clock or 4 o'clock Veebhuthipur Chikveerappa came near our car and told me that he learnt that the car was attached and asked me to take away the car early and so I was afraid and immediately took the car to Reddy's house where I left it and again came near the court. Then when Reddy returned and asked as to where the car was I told him all that had happened. At this he got wild and said "They are disgracing. If it is so what the lawyer said has happened to be true—come what may—I will take care of it" and asked me why I should have been afraid and taken away the car. Then both of us went to the court and after learning that the attachment order was in respect of a sum of Rs. 41-4-0, he asked me to stop where I was and he went away somewhere and then returned. Both of us went by bus to Reddy's house in the evening by about 5 o'clock. He asked me to take his car and get it filled with two gallons of petrol at V. T. Padmanaban's Bunk and said that he should do away with the lawyer (ನನ್ನ ಮಗ ಲಾಯರ್) that day. He called the Mali Muniga and was asking him to go immediately to fetch Rama from the garden. I went to fetch petrol and returned filling the car with petrol. When we two sat in the car and were about to start, the Dommalur Patel came there, he was asked to sit in the car, we alighted him near Dommalur and we proceeded further to Misri's garden. Then it was perhaps about 6-30 P.M. After some time, we took Misri's Van and left our car there having taken from it, the petrol can, ropes, double barrel gun and the water-proof coat. We put all these in Misri's Van and went near Murugeshapalya. We arranged to get Munimaddura there. Myself and Munimaddura sat inside and then we returned to Reddy's house. There we got Rama and Muniga also seated in the car. Rama had a small rope with him. This was being used by me for rubbing my back whenever I took my bath in the garden. The Van started from there. On the way he said to Rama "The trouble from the lawyer has become great—must be ended to-day (ಈವತ್ತು ತೀರಿಸಿ ಬಿಡಬೇಕು), come what may—my lawyer has said that he would take care. Let us go." Then we went to Webb's Service Petrol Bunk where we filled the car with one gallon petrol after making cash payment for it and then proceeded towards the City. It was nearing 7-30 in the evening. We came to Cottonpet *via* South Parade, Queen Statue and Jail Road. While going near Lawyer Mokshagundam Krishna Murthi's office, we found that the lawyer was not there. We proceeded further and Lawyer Krishna Murthi was going near the chowk (Square) where the Constable used to stand. Reddy drove on further saying. "This is the lawyer—if you find a good opportunity at a convenient place lift him up and put him in the car" and stopped in the Oil Mill's lane in Tharagupet. It was dark then. He asked to bend the number plates. I did it. Then he proceeded further and stopped the van in the road near the Sanskrit

College. Five or six-minutes later, the lawyer came there and was proceeding further towards Basavangudi. Narayana Reddy asked Rama, Muniga and Maddura to get down from the car, pointed out the Lawyer to them and asked them to follow him and said that he would go in advance to the maidan and wait there and instructed that they may wait for an opportunity and put him in the van. He then asked me also to get down and to accompany them and told me that he would be in the maidan. I got down. The lawyer was going in front—we followed him. The motor van was in the National High School field. The trap door was open. When the lawyer was crossing near the van the van took a round in the reverse direction and tried to dash. He escaped and went to the left. He went near the car and abused Reddy in English, in a loud tone. Reddy did not talk. Then Muniga and Rama ran up, Muniga caught hold of the lawyer's legs tightly. Rama held his chest from behind and thrust him into the van through the trapdoor. In the meanwhile the lawyer called out Oh! Maddura got up the car—pushed him inside and sat on him. I got upon the trapdoor held the beam and closed the door. By that time the car reached the road. When all this was going on, Reddy was at the steering and was saying "Tie him up well—he is bawling out. Tie up fast such that people may not hear him." The three madigars tied the leg with the big rope. They tied the small rope to the neck. I closed the trap door and came away to the front seat. I could hear Lawyer Krishnamurthy breathing till we reached Basavangudi circle. After that, no sound was heard. We proceeded further through the road which is by the side of the Lalbagh and drove in the new Mental Hospital Road and reached the circle where the Anekal road joins with the Hosur road. From there we took the Hosur road towards Shoolay and took a turn towards Ulsoor and went again to Padmanabhan's Bunk where we purchased two gallons of petrol. As the accounts of that day had been closed, I gave the chit putting the date as 3rd. Then by about 8-30 we placed the corpse in the casuarina tope that is beyond the Konena Agrahar, left Rama and Muniga there alone and we took the van to Misri's house. We shifted the walking stick, spectacles, turban, sandals belonging to the deceased lawyer and one petrol can and the gun which were in the van to our Reddy's car. Since there was no sufficient "blow" in the wheels of our car, we borrowed the pump from Misri and we again took our car to the casuarina tope. Rama and Muniga brought and placed the dead body in the car. We went and stopped the car near Padmanabhan's Air Service. By that time two more cars came there. Fearing that somebody may go near and see the dead body in the car we started without taking Air and went through the Civil and Military Station Railway. No passage bridge to the Bellary road. There was a casuarina tope near the 11th mile where there is a board put up to show that there is a curve. There, we stopped the car, kept the dead body in the casuarina tope and returned towards Bangalore. He took all of us back saying that he should remain in the house as there would arise some suspicion, he would get a taxi engaged for us in which we three may take the dead body further for disposal as per instructions he had given to Rama as to where the body should be thrown. It was dark when we were returning. We threw the spectacles, cane, sandal, panche and turban into the Hebbal Tank near the spot where the water gauge is situated. Reddy asked Rama and Muniga to get down from the car near the South Parade and said that they may be going slowly, that he would get a taxi engaged and instructed that we three should take the dead body a little further and throw it there. From there we two came near the house of the owner of "Globe". He sent me to get the taxi of Rahim. I searched for him and took him to Reddy. Reddy asked him to bring the taxi. He brought it. Reddy said that it was unnecessary that he (Rahim) should go (with the taxi) as there was his own driver, and got me the taxi. I took Rama and Muniga and also put the dead body which was in the casuarina tope near the 11th mile, in this car and proceeded in the Goribidnur road. On the way we crossed three railway gates. When we went the first and the third gates were closed. They were opened after the horn was sounded. Then we went in front of the Dodballapur Railway gate. We proceeded a little further in the new road leading to Makalidurga. I stopped the car saying that it was not possible for me to drive. There we put the corpse in a low place and came back. The railway gate was closed while coming back. On the horn being sounded the peon that was there opened the gate. Yelahanka railway gate was closed. I asked the gate-keeper to spare some water for the radiator. By that time the train from Bangalore side came there. Then I had got down from the car and was standing near it. Being afraid that some one might see us

and so we started the car and came to Ulsoor. There Rama and Muniga alighted. I gave the rain-proof coat to their hands. I went with the taxi to the stand, left it there after paying Rs. 7-8-0 hire to Rahim and went to Reddy's house. By that time it was about 5 o'clock in the morning. Rama, Muniga too were talking to Reddy. I narrated to him all that had happened and went to the house in the garden. The next day, that is on Sunday, I went to Reddy's house at about 7-30 or 8 in the morning. There, lawyer Venkataranga Iyengar was talking to Reddy. Then the lawyer went away in his car. I took the pump and returned it to Misri.

This is all my statement.

Read over to me. I have found it to be correct and have signed.

(Sd.) V. S. Ponnambalam.
Before me,
(Sd.) H. KRISHNACHAR,
Ex-officio *First Class Magistrate,*
Bangalore Sub-Division,
19-3-1940.

Memorandum.

I believe that this confession was voluntarily made. It was taken in my presence and hearing (by me) and was read over to the person making it and admitted by him to be correct and it contains a full and true account of the statement made by him.

(Sd.) H. KRISHNACHAR,
Ex-officio *First Class Magistrate,*
Bangalore Sab-Division.

19th March 1940.
Bangalore.
Seal.

No. 1660. Exhibit P98.

V. T. Padmanaban,
Agent, Burmah Shell, Bangalore,
Cavalry Road, Petrol Pump.

Please supply :—Two gallons of petrol.

Date 2nd March 1940.

Sd. Ponnambalam,
For Narayana Reddy.

N.B.—We are not responsible for the vouchers if accounts are not settled within three months.

D. K.

Exhibit P98 (*a*).

No. 1660. COUNTERFOIL.

V. T. Padmanaban,
Cavalry Road, Petrol Pump,
Bangalore.

Please Supply :—Two gallons of Petrol.

Date 2nd March 1940.

Signature.

No. 1064. Exhibit P99.

Imanaban,
Burmah Shell, Bangalore.
Cavalry Road, Petrol Pump.

Please supply wo gallons of petrol.

Date 3rd March 1940.

(Sd.) S. P[illegible],
Signatur

N.B.—We are not responsible for the vouchers if accounts are not settled withi three months.

Exhibit P99 (*a*).

No. 1064. COUNTERFOIL.

V. T. Padmanaban,
Cavalry Road Petrol Pump,
Bangalore. 5

Please supply :—Two gallons of Petrol.

(Sd.) Not clear.
Signature.

Date : 3rd March 1940.

Exhibit P100.

Med. Genl. 54. 10

MYSORE MEDICAL DEPARTMENT.

POST-MORTEM REPORT.

Station : Dodballapur. *Dated 5th March 1940.*

Name—M. Krishna Murthy.
Sex—Male. 15
Age—56 years.
Caste—Hindu—Brahmin.
Whence brought, village, tannah—Sub-Inspector of Police, Dodballapur, Bangalore District.

(Id.) A. S. K. 20

Date and hour of .... { Despatch .... P. M. conducted at the spot.
Receipt
Examination .... 11-30 A.M. to1 P.M. on 5th March 1940. }

Information furnished by the Police. 25

The body was found lying on the road side between Makli Railway Station and Subrahmanya Ghati at 11-30 A.M. on 4th March 1940.

N.B—Observe the state of all the organs and when no disease or injury is found, write "Healthy".

(*1*) *External Appearance.* 30

(1) Condition of subject: stout, emaciated, decomposed, etc.

Body of a well-nourished male, undergoing decomposition. Height 5′—7″, hair medium cropped, grey hairs about 2″ long with a bald area over back of scalp. Hair over front of scalp torn off and hanging loose. Whole body uniformly bloated, abdomen 35 bloated with gas. Rigor mortis absent. Eyes and eye-lids puffed up and black, face livid black. Sanious fluid running from nose. Excreta at end of anus, nails bluish cyanosed, tongue bluish bitter between teeth. Scrotum and penis swollen oedematus. 40 Epidermis peeling off in section all over body. Skin blobs over groins.

(Id.) A. S. K.

(2) Wounds: position, size, character.

A linear incised wound 2″ long, $\frac{3}{4}$″ broad and $\frac{1}{2}$″ depth over left temple, 1″ above left extremity of 45 left eyebrow.

(3) Bruises: position, size, nature.

Nil.

(4) Mark of ligatures on neck, dissection, etc.

Mark of ligature of rope running round the neck. The furrow runs above thyroid cartilage in front and 50 runs 3″ below pinna of both ears laterally and runs posterially at a point $1\frac{1}{2}$″ below external occipital protuberance. The furrow is uniformly 1″ wide and ″ deep with a crossing at the back of neck.

(II) Cranium and Spinal Canal.

(1) Skull and vertebræ.	Intact and healthy. Base of skull intact. No fracture of vertebræ or vertibral joints.
(2) Membranes	Decomposed.
(3) Brain and spinal cord.	Brain decomposed. Spinal cord intact and entire.

N.B.—The spinal canal need not be examined unless an indication of disease or injury exists.

(III) Thorax.

(1) Walls, ribs and cartilages.	Healthy.
(2) Pleuræ	Decomposing. Red-stained fluid about 6 ounces in pleural cavity.
(3) Larynx and trachæ	Healthy. No foreign body.
(4) Right lung	Congested. Commencing decomposition. Contain clotted-dark coloured blood.
(5) Left lung	
	(Id.) A. S. K.
(6) Pericardium	Contained five ounces of blood-stained fluid.
(7) Heart	Healthy. Left cavities empty. Right cavities contain dark-clotted blood.
(8) Large vessels	Healthy. Empty.

(IV) Abdomen.

(1) Walls	Undergoing decomposition.
(2) Peritoneum	Decomposed and filled with gas and yellow fluid.
(3) Mouth, pharynx and œsophagus.	Empty. Right upper incisor tooth loose and came away. Other teeth intact.
(4) Stomach and its contents.	Healthy and empty.
(5) Small intestine and its contents.	Healthy. Contain gas.
(6) Large intestine and its contents.	Healthy. Contain gas.
	(Id.) A. S. K.
(7) Liver	Enlarged × 1¼, gall bladder empty.
(8) Spleen	Healthy.

(V) Genito-Urinary Organs.

(1) Kidneys	Healthy.
(2) Bladder	Healthy. Empty.
(3) Organs of generation, external and internal.	Scrotum enlarged × 4, testies intack, a dark clot at tip of the pennis.

(VI) Muscles, Bones and Joints.

(1) Injury	Nil.
(2) Disease or deformity	
(3) Fracture	
(4) Dislocation	

More detailed description of injury or disease.

Nil.

Opinion as to cause of death.

I am of opinion that death is due to asphyxia as a result of strangulation.

DODBALLAPUR,
Dated 6th March 1940.

(Sd.) A. S. KRISHNASWAMI,
Assistant Surgeon,
Dodballapur.

Countersigned.

(Sd.) R. SUBBA RAO,
District Medical Officer,
Bangalore District, Bangalore.

No. 78—9-3-40.

Forwarded the countersigned *post-mortem* report to the Sub-Inspector of Police, Dodballapur.

DODBALLAPUR,
Dated 9th March 1940.

(Sd.) A. S. KRISHNASWAMI,
Assistant Surgeon,
Dodballapur.

(Id.) Not clear.
9-3-40.

Exhibit P101.

A paper containing the sample seal of M. O. 13 of Mr. G. A. Tustin, and his signature.

Exhibit P102.

25th May 1933,
Ulsoor, Bangalore.

On demand we jointly and severally promise to pay to Mr. K. Muninanjappa of Cambridge Road, Ulsoor or order the sum of rupees two thousand only with interest at 9 per cent per annum for value received.

C. & M. Station,
Bangalore.
Rupees two thousand only.

(Sd.) S. K. VENKATARANGA IYENGAR.
(On four stamps of one anna receipt stamps.)
(Sd.) P. KRISHNIAH,
C. & M. Station.
(Itd.) S. K. V.

Exhibit P102 (a).

Received from K. Muninanjappa of Cambridge of Road, Ulsoor, the sum of Rupees two thousand only by cheque No. K 03977 of Bangalore Bank, Ltd., being the consideration of an On demand Pronote executed by us this 25th day of May 1933.

Witness:
S. Seetharamiah.

(Sd.) S. K. VENKATARANGA IYENGAR.
(Sd.) P. KRISHNIAH.

Exhibit P103.

Driving Licence of Ponnambalam, P. W. 33 (of Bangalore Cantonment).

Exhibit P104.

Sale book of Petrol of Webb's petrol service, South Parade.

Exhibit P104 (a).

No. 14277, dated 2nd March 1940.

One	——	1-9-9	1-9-9.

Exhibit P104 (b).

No. 14278, dated 2nd March 1940.

One	——	1-9-9	1-9-9.

Ford two seater B.A. 3020.

Exhibit P105.

Book relating to the account of the customers of Webb's petrol service.

Exhibit P105 (a).

S. No. 137. Mr. Mistri .... 4 gallons of Petrol on 7th February 1940.
4 gallons of Petrol on 14th February 1940.
5 gallons of Petrol on 18th February 1940.
5 gallons of Petrol on 25th February 1940.
5 gallons of Petrol on 29th February 1940.

Exhibit P106.

Book of accounts kept by P. W. 42 of Webb's petrol service.

Exhibit P106 (a).

On 3-3-40.	*Quantity.*	*Metre.*	*Cash.*
B.A. 3396.	4 gallons.	38076	....

Exhibit P106 (b).

On 2-3-40.	2 gallons.	38038	K. M. N. Reddy

Exhibit P106 (c).

On 3-3-40.	2 gallons.	38039	K. M. N. Reddy.

Exhibit P107.

Accused K. M. Narayana Reddy was produced before me at 5·30 P.M. to-day with a requisition by the Inspector of Police, 'C' Division, to record his statement under Section 164, Criminal Procedure Code. I offered a seat to the accused and made him sit with me in my chambers and gave him half an hour's time for reflection. There is nobody round about my chambers within hearing distance. I commenced questioning him as follows at 6 P.M.:—

Q.—Do you know what this locality is?
A.—This is the chambers of the City Magistrate's Court.
Q.—Do you know who I am?
A.—Yes, you are the City Magistrate.
Q.—Is there any one else in this room, apart from me and yourself?
A.—There is no one else.
Q.—Is there any one else round about this place?
A.—No, there is no one else.
Q.—Who brought you here?
A.—The Police.
Q.—Why?
A.—To record my statement.
Q.—Have you been arrested?
A.—Yes.
Q.—When?
A.—Yesterday in the early morning.
Q.—Where?
A.—In my own house at Ulsoor.
Q.—Have the police encouraged you to make a statement?
A.—No.
Q.—Have they made you give this statement by frightening you?
A.—No.
Q.—Have they induced you to give this statement by holding out promises?
A.—Nothing of the sort.
Q.—Have you been beaten?
A.—No.
Q.—You are not bound to make this statement.
Do you know that?
A.—Yes, I know.
Q.—Then, why have you come here to make this statement?
A.—It is of my own desire.
Q.—The statement that you are going to make, may go against you. Do yo know that?
A.—Yes, I know. It does not much matter even if it goes against me. I ai going to make the statement.

From ths above questions and answers I am inclined to believe that the accused is willing to make a voluntary statement. I have explained to him a a number of times that he is not bound to make a statement and if he does so it may be used as evidence against him. I now proceed to record his statement as follows:—It is now 6-25 P.M.

Q.—You may now say what you want to?

A.—There have been suits between me and my mother since last 2 or 2½years. They are going on since last five years. Mr. S. K. Venkataranga Iyengar was my lawyer. Mokshagundam Krishna Murthy was the lawyer for my mother. There is bitter enimity between the two. I did not know of this at first. I came to know of this some 2 or 2½ years back. Mr. Venkataranga Iyengar was telling so many things now and then against Krishna Murthy. He was asking me "Why should you not put him to shame?" and such other things. Last Saturday he said "Why not you get something done to him. The trouble from him has increased." It was 2-30 or 3 in the morning when this was said. I went away home. Then I took Mr. Misri's Car from the Estate in Whitefield Road and with 4 servants I went near the National High School. The servants lifted up and put Mokshagundam Krishna Murthy, who was going there, into the car.

Q.—Who are these servants?

A.—1. Ponnambalam, Electrical man.
2. Ramadu, my gardener.
3. Muniga, another gardener.
4. Munimaddura, another of my gardeners.

After putting Mr. Krishna Murthy in the car we went and left him in the Casuarina tope near Misri's Estate in the Whitefield Road; left the car behind in the Estate and put him again in my own car and left him in a bush near the 10th mile in the Dodballapur Road and after this we returned.

Q.—Was he alive then?

A.—No.

Q.—If so, where did his life become extinct? And when?

A.—He must have expired as we were reaching the estate. I do not know. I was driving the car. The servants were sitting behind with him.

Q.—Next?

A.—Afterwards we came away to the Taxi Stand at Shoolay. Munimaddura got down near the Misri's Estate, and he did not accompany us to the 10th mile stone.

Q.—What was the time then?

A.—It was perhaps 8-30 or 9 in the night.

Q.—Next?

A.—I went away straight to my house from the Taxi Stand. The remaining three, namely, Ponnambalam, Ramadu and Muniga took a taxi from some mahomedan and went away to take the dead body further. I do not know to what place they took it.

Q.—Next?

A.—Mr. S. K. Venkataranga Iyengar, whenever I went to him, was telling me that Mokshagundam was keeping my mother and was asking me how I was tolerating it, and he was also telling me that he was visiting my mother's house constantly. He said the same thing even on Saturday. He said it in such a manner as to enrage me.

Q.—Next?

A.—On Monday the 4th my father's Will had to be produced in the District Court at C. & M. Station. I went to inform Mr. Venkataranga Iyengar of this, on Saturday. He had asked me to go near the Court (City Additional District Court). Accordingly I went there. It was then that Mr. Venkataranga Iyengar spoke as stated above.

Q.—Have you anything more to say?

A.—I had no intention of murdering Mr. Krishna Murthy. I had only the intention to threaten him. I had told the servants to leave him off after threatening him.

R. O. I. A. C.

(Sd.) M. RAMASWAMIAH,
City Magistrate.
7-50 P.M., 9-3-1940.

(Sd.) K. M. NARAYANA REDDY,
9-3-1940.

I have explained to K. M. Narayana Reddy that he is not bound to make a confession and that if he does so, any confession he may make may be used as evidence against him, and I believe that this confession was voluntarily made. It was taken in my presence and hearing and was read over to the person making it and admitted by him to be correct and it contains a full and true account of the statement made by him.

(Sd.) M. RAMASWAMIAH,
City Magistrate, Bangalore.
7-55, P.M. 9-3-40.

Exhibit P108.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. 11 of 1937-38.
Ex. No. 70 of 1939-40.

Plaintiff: Lakshmamma, widow of Muninanjappa.
(D. Hr.) 2. Sharadamma, daughter of Muninanjappa,
Gandhi Nagar, Bangalore City.

Vs.

Judgment-debtor: K. M. Narayana Reddy,
residing at No. 20, Cambridge Road,
C. & M. Station, Bangalore.

To

The Nazir of the 1st Court, Bangalore.

Whereas Narayana Reddy was ordered by decree of this court passed on the 4th day of April 1939 in suit No. O. S. 11—1937-38 to pay to the plaintiff the sum of Rs. 42-4-0 as noted in the margin and whereas the said sum of Rs. 42-4-0 has not been paid, these are to command you to attach the car property of the said Narayana Reddy as set forth in the schedule hereunto annexed or which shall be pointed out to you by the said and unless and said Narayana Reddy shall pay to you the said sum of Rs. 42-4-0 together with Rs. the cost of this attachment to hold the same until further orders from this Court.

	Rs.	a.	p.
Principal costs, allowed in Mis. Appeal 1—1939-40 of High Court	37	6	0
Cost of present execution ...	3	10	0
W. F.	1	4	0
Total ...	42	4	0

Yo are further commanded to return this warrant on or before the 4th day of March 1940 with an endorsement certifying the day on which and manner in which it has been executed, or why it has not been executed.

Given under my hand and the seal of the Court this 13th day of February 1940.

SCHEDULE.

Motor car "Talbot" block sedan car bearing No. B.A. 3246. The car will be in Chickpet and Gandhi Nagar.

(Sd.) H. NANJUNDIAH,
Additional District Judge, Bangalore.
13-2-40.

Fresh warrant is prayed for, as the car sought to be attached was taken away to C. & M. Station, Bangalore.

(Sd.) M. Krishnamurthy,
Adv. for D. Hr.
1-3-40.

B. S. C. No. 30 of 1939-40.
Exhibit P108 (b).
(Id.) A. S. R.,
Second Additional Sessions Judge.

ರಿಪೋರ್ಟು.

ಹುಕ್ಕುಂಮ್ಯಾರಿಗೆ ಜಪ್ತಿಮಾಡಲು ವಾದಿ ಲಾಯರು ಷರಾ ಮೇರಿಗೆ ವಾಪಸು ಮಾಡಿ ಯುರುತ್ತೇನೆ.

ಬಾ. 0—8—0

Sd.) S. Subba Rao,
Amin,
2-3-40

B. S. C. No. 30 of 1939-40.
Exhibit P108 (c).
(Id.) A. S. R.,
Second Additional Sessions Judge.

Warrant not executed as endorsed by Decree-holder's Advocate on 1st March 1940.
Balance 0-8-0.

(Id.) M. A.,
Process Nazir,
2-3-40.

B. S. C. No. 30 of 1939-40.
Exhibit P108 (a).

(Id.) A. S. R.,
Second Additional Sessions Judge.

5

Exhibit P109.

Order Sheet in O. S. 10 of 1939-40.
On the file of the District Judge, Bangalore.

10

ORDER SHEET.

Plaintiff: Narayana Reddy.
Defendant: Lakshmamma.
7th July 1939.

This is an application under Section 61 of the Probate and Administration Regulation filed by the Petitioner (one of the executor) praying that a probate be granted in respect of the property and credits of one Mr. K. Muninanjappa who died on 8th January 1935 leaving a Will dated 5th January 1935.

15

It is stated that the original Will is filed in O. S. 11 of 1937-38 and marked as Exhibit A therein.

20

(1) Will to be produced or a certified copy.
(2) Valuation and description of the properties to be furnished as required under Schedule III of the Court Fee Regulation.

Needful to be done by 17th July 1939.

(Intd.) A. S. R.,
7-7-39.

25

7th July 1939.
Petitioner: By Mr. M. L. N. Opponent.....
Needful to be done by 18th July 1939.

(Intd.) A. S. R.,
17-7-39.

30

18th July 1939. Ptr.....
Opponent:.....

The petitioner files an application under Section 54 of the Mysore Probate and Administration Regulation and Section 151 and Order XII Rule 10 of C. P. C. praying that for the reasons stated in the accompanying affidavit the original Will marked as Exhibit A in Mis. 67—35-36 and also marked as Exhibit A in O. S. 11 of 1936-37 on the file of this Court may be called for and annexed to the petition for probate and made available for the purposes of evidence. Send for that Will. Boundaries of the lands given citation and publication by 14th August 1939 and notice to opponent.

35

40

(Intd.) A. S. R.,
18-7-39.

4th August 1939.

Petitioner: By Mr. M. L. N. Rao. Opponent: By Mr. G. K. R.

Notice issued to opponent served personally. Objection: Filed; citation and publication by 21st September 1939. (Intd.) A. S. R., 14th August 1939. 21st September 1939. Published in *Mysore Gazette*, dated 31st August 1939 in Part VI at page 1741 citation duly published by beat of *tom tom*. On account of Tumkur Sessions adjourned to 25th September 1939. By Order (Intd.) V. L. R. Sheristedar, 21st September 1939. 25th September 1939. Petr: by Mr. Narasiah. Oppt. by Mr. M. K. M. Since there is contest the application will be registered as a suit. O. S. 10—1939-40. Issues framed trial 9th November 1939.

45

50

(Intd.) A. S. R., 25th September 1939.

Both sides to be ready. (Intd.) A. S. R., 25th September 1939.

9th November 1939. Petitioner: Opponent:—Report from the Deputy Commissioner, Bangalore District, *re*-valuation of the properties received. Stepts

55

not taken. Adj. to 13th December 1939. (Intd.) G. P., 9th November 1939. 13th December 1939. Ptr. by M. P. S. by Advocate. Opponent by. The case is not ready and it is stated that the Will had gone to the High Court in connection with another case and so the case is not ready. They offer to be ready on the next date. Adjourned to 12th January 1940. (Intd.) H. N., 13th December 1939.

12th January 1940. Plff. by Mr. M. P. S. and Mr. Narasiah Deft. by Mr. M. K. Murthi steps not taken steps are taken; and summons have been issued to 4 witnesses. One of them *viz.*, Mr. C. Kaverappa has been served in person and is present now. The plaintiff's advocate dispenses with this witness. The other witnesses are not served. Proper steps should be taken and both parties should be ready on 14th February 1940. (Intd.) H. N., 14th February 1940. Plaff. by Mr. Narasiah and Mr. M. P. S. Deft. by Mr. M. K. Murthy. Plaintiff cited five witnesses on 10th February 1940. Summons to witnesses 1 and 2 not returned. Summons to witnesses 4—5 not issued for want of time and summons to 3rd witness not issued for want of deficient stamp of 5 annas. Deft. cited 10 witnesses. Summons to 5 witnesses returned unserved for want of time and as batta was not sent to that Court. Summons to 10th witness not returned from Kolar Munsiff's Court. Summons to witnesses 1 to 4 and 6 to 9 were taken for personal service by defendant. The plaintiff has not been deligent and has not taken steps in time. It was clearly understood that the cases should be ready for to day. The Plaintiff also is not come. It is stated that he is unwell and Medical certificate is produced that he is suffering from Dysentery. The genuineness of the Will had to be proved and witnesses were to be summoned for that purpose. I do not find sufficient reasons for adjournment. Mr. Narasiah and Mr. M. P. S. retire for want of instructions. So the suit is dismissed with costs for default of prosecution. (Sd.) H. Nanjundiah, 14th February 1940. (Intd.) M. P. S. R. for plaintiff 14th February 1940. (Sd.) H. S. Narasiah for Plaintiff, 14th February 1940. 24th February 1940. Advocate for defendant has filed a fee certificate on 14th February 1940. Note and file with the Records.

(Sd.) H. N.,
Additional District Judge,
24-2-40.

Exhibit P110.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

O. S. No. 10 of 1939-40.
Mis. No. of 1938-39.

In the matter of probate of the Will of Mr. K. Muninanjappa, deceased. Petitioner: K. M. Narayana Reddy, son of K. Muninanjappa, aged about 26 years, residing at No. 22, Cambridge Road, Ulsoor, Civil and Military Station, Bangalore. Under Section 61 of the Mysore Probate and Administration Regulation, the petitioner abovenamed begs to state as follows :—

1. The address of the petitioner for service of notices and other processes of Court is care of his Counsel Messrs. M. P. Somasekhara Rao, B.A., LL.B. and H. S. Narasiah, B.A., B.L.

2. Deceased K. Muninanjappa, Contractor and Landlord of Ulsoor, Civil and Military Station, Bangalore, died on 8th January 1935 having made and duly executed his last Will and Testament bearing dated 5th January 1935 whereof he appointed jointly his eldest son the petitioner and his widow Lakshmamma the executors.

3. Mr. S. K. Venkataranga Iyengar, B.A., LL.B., Advocate, Chickpet, Bangalore City, who had its custody had produced in Mis. 67 of 1935-36 on the file of this Honourable Court. But now the said records are with the records in O. S. No. 11 of 1937-38 on the file of this Honourable Court wherein the Will is made on exhibit marked A. The same will have to be ordered to be brought for the purposes of the present proceedings and annexed to this application.

4. The testator had a fixed place of abode Ulsoor, Civil and Military Station, Bangalore, and died there. But he had left properties both moveable and immoveable in Bangalore City and Bangalore Taluk within the jurisdiction of this Honourable Court.

5. The amount of the assets which are likely to come to the hands of the petitioner is Rs. 1,68,319 on account of which is given in annexure A of the affidavit of valuation filed with this petition. The amount of liabilities and other lawful deductions of the said testator is Rs. 1,457 on account of which is given in annexure B to the same affidavit. 5

6. No other applications for probate for the said Will has been filed in this Honourable Court. An application for probate in respect of properties situated in Civil and Military Station, Bangalore, is being filed in the Court of the District Judge there. Therefore the petitioner prays that probate of the Will dated 5th January 1935 of the deceased K. Muninanjappa now marked exhibit A in O. S. No. 11 of 1937-38 on 10 the file of this Honourable Court may be granted to him

Bangalore City, } (Sd.) K. M. Narayana Reddy, Petitioner.
(Sd.) M. P. Somasekhara Rao.
30th June 1939. (Sd.) M. N. Narayana Rao.
Counsel for Petitioners. 15

I, K. M. Narayana Reddy the petitioner above named do hereby declare that what is stated above in paras 1 to 6 is true to the best my knowledge, information and belief.

Bangalore, } (Sd.) K. M. Narayana Reddy,
Petitioner. 20
30th June 1939.

I, Nanjundiah, one of the witnesses to the last Will and Testament of the Testator mentioned in the above petition declare that I was present and saw the said Testator affix his mark thereto.

Bangalore, } 25
(Sd.) Nanjundappa (in Kannada.)
30th June 1939.

Exhibit P110 (*a*).

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, BANGALORE. 30

Mis. 257 of 1938-39.

In the matter of the probate of the Will of Mr. K. Muninanjappa, deceased. Petitioner: K. M. Narayana Reddy.

AFFIDAVIT.

I, K. M. Narayana Reddy, son of late Mr. K. Muninanjappa, aged about 26 35 years, landlord and contractor residing at No. 22, Cambridge Road, Ulsoor, Civil and Military Station, Bangalore, do hereby make oath and state as follows:—

1. I had filed an affidavit in the above case setting forth the details of the property and valuation as per schedule III of the Court Fees Regulation.

2. The Honourable Court has ordered that I should give detailed boundaries 40 in respect of lands and also some other details in respect of deposits.

3. As I am not in possession of the title deeds respecting many of the properties I am not able to give their full boundaries. Such of them as I could gather I have given hereunder. The numbers of fixed deposit receipts also I do not know as I am not in possession of them. 45

ANNEXURE A.

I. Cash at Mysore Bank.

		Rs.
1.	F. D. Account No. 43—454 standing in the name of Mrs. Lakshmamma	10,000
2.	F. D. Account No. 43—457 standing in the name of Saradamma	15,000
3.	F. D. Account No. not known standing in the name of K. M. Kodandarama Reddy	10,000
4.	F. D. Account No. not known standing in the name of Balakrishna Reddy	10,000
5.	F. D. Account No. not known standing in the name of K. M. Purushothama Reddy	10,000

	B. F.	55,000
6.	F. D. Account No. not known standing in the name of Meenakshamma	5,000
7.	F. D. Account No. not known standing in the name of K. M. Janardana Reddy	10,000
8.	F. D. Account No. not known standing in the name of K. M. Madhava Reddy	10,000
9.	F. D. Account No. not known standing in the name of Komalamma	5,000
	Total	85,000

III. B. Lands.

Items 1 to 10 detailed boundaries cannot be given.

Boundaries for item Nos. 11 and 12.

East by—lands of Yammalur Patel Ramiah and Sangeetha Ramiah.
West by—Tank Bund.
North by—Nagappa's land.
South by—Yammalur Patel's land.

Boundaries of item No. 13.

East by—Nala.
West by—Lands of Yammalur.
North by—Lakshmiah's lands.
South by—Nagappa's land.

Boundaries of item Nos. 14 to 17.

East by—Agaram Subbarayappa's lands—Thoti Inamthi. Shanbhog Inam Earagnnappa's and Chikka Gowdappa's lands.
West by—Abbiah's gardens, Venkatasami's lands, Thimmiah's lands Chikkagowda's lands.
North by—Konena Agrahar Tank Bund.
South by—Lands of Chikkagowdappa and Shankarasetty.

Boundaries of item No. 19.

East by—Ballandur Tank.
West by—Muniappa's land.
North by—Lands of Papiah and Muninanjappa.
South by—Bellandur Tank.

Boundaries of item No. 20.

East by—Gurappa's lands.
West by—Ramiah's land.
North by—Guruva Reddy's land.
South by—Lands of Nagappa and Ramiah.

Boundaries of item No. 21.

East by—Papa Reddy's garden.
West by—Muninanjappa's garden.
North by—Akkayyamma's land.
South by—Someswaraswamy temple Inamathi land.

Boundaries of item Nos. 18, 22 to 24.

Cannot be given by Petitioner.

Bangalore,
18th July 1939.

(Sd.) K. M. Narayana Reddy,
Petitioner.

Identified by me.
(Sd.) M. N. Narayana Rao,
Counsel for Petitioner.

Sworn to before me this 18th day of July 1939.

(Sd.) NANJUNDIAH,
Sheristedar,
Subordinate Judge's Court,
Bangalore.

Seal of the Subordinate Judge's Court, Bangalore.

Exhibit P111.

By Advocate in Court. (Initialled). 14th August 1939

IN THE COURT OF THE DISTRICT JUDGE. BANGALORE.

MIS. No. 257 OF 1938-39.

Petitioner: K. M. Narayana Reddi. *Vs.* *Opponent*: Lakshmamma.

Opponent begs to file the following objections to the grant of Probate prayed for by the petitioner.

1. The opponent disputes the truth and validity of the execution of the Will propounded by the petitioner.

2. The Will in question is not a genuine document. It has been fabricated by the petitioner, Mr. S. K. Venkataranga Iyengar referred to in para 3 of the petition and one M. Venkatasami of Ulsoor, alleged to be one of the attestors of the Will in question.

3. By propounding the alleged Will, the said three persons have much to gain materially. The said Mr. S. K. Venkataranga Iyengar and M. Venkatasami were debtors of Muninanjappa at the time of his death, having borrowed moneys from him during his life-time under On Demand Pronotes. Petitioner has been pleading ignorance of the indebtedness of Mr. S. K. Venkataranga Iyengar and discharge from indebtedness of the said Venkatasami. Government of India Bonds of the total value of thirty thousand rupees standing in the name of late Muninanjappa are found assigned over in favour of the said three persons. Account books, money bonds and documents of title relating to the estate concerned have all been in the custody of the petitioner and the petitioner's attitude in the matter of account books, etc., is equivocal. The entire family properties have been in exclusive possession of the petitioner and the petitioner has been claiming to be in possession of the properties either as manager of the joint-family properties or as one of the executors under the Will in dispute, according as it suits his selfish purposes.

4. The contents of the petition are very meagre in the light of the keen controversy going on over the Will in dispute both in and out of Courts. The petitioner has withheld information from Court, regarding all the claimants to the estate of Muninanjappa for purposes of citation, etc., the petition is wanting in particulars especially re: Item No. VI of Annexure A and item No. 1 of Annexure B accompanying the petition.

5. Muninanjappa died leaving him surviving his widow, the opponent, six sons and three daughters. At the time of his death, only one of his children, the present petitioner was a major aged about 21 then and the rest were all minors. Two of the children, Saradamma and Kodandarama Reddy have since become majors. The petitioner has not taken out notices to any of sons and daughters of late Muninanjappa. Special notices ought to have been taken, at all events, to the minor children. The opponent, as mother and natural guardian of her minor children also opposes on their behalf the grant of the application for Probate, for the reasons stated hereunder.

6. The estate concerned in the Will is of the estimated value of over four lakhs of rupees. Substantial interests of six minors are involved in the controversy. The petitioner ought to have mentioned in the petition the chief events in the career of the Will in dispute ever since its alleged execution, *i.e.*, 5th January 1935 till the date of the petition for probate, *i e.*, 30th June 1939. Especially as the petitioner requires court orders for the production of the alleged Will for purposes of the present proceedings.

7. The alleged Will is dated 5th January 1935. Obviously it is an unregistered document. Hardly two or three months after the death of Muninanjappa diputes arose between the parties over the family properties. On the petitioner alluding to an alleged Will of the deceased, the opponent challenged the petioner for the production of the same. A demand was made for a copy of the alleged Will on the propounders, the petitioner and the said Mr. S. K. Venkataranga Iyengar through Lawyer's notices in July 1935. No copy was ever sent to opponent in compliance with her demand notices. Mis. 67 of 1935-36 referred to in para 3 of the petition was initiated by the said propounders of the Will on 16th November 1935. For reasons best known to themselves, the original Will was not filed along

with the main petition in the said case nor even a private copy filed with the petition though the petition stated in express terms that a true copy of the Will was produced in Court along with the petition. An alleged copy of the Will is however seen introduced into the records of Mis. 67 of 1935-36 contrary to usual court procedure in the said matter under circumstances requiring close judicial scrutiny in the interests of justice. The alleged original Will itself was also put into court at the instance of the opponent on 4th March 1937, by the said Mr. S. K. Venkataranga Iyengar, when he could no longer withhold its production from court. The petitioner insisted upon his being allowed to prove the Will in question in Mis. 67 of 1935-36. He took out no summonses for witnesses and after a series of adjournments and protracted proceedings examined only one witness on 6th September 1937. The Will question was not subsequently gone into in the case, as per court orders. Even as Mis. 67 of 1935-36 was pending, the petitioner filed O. S. 11 of 1937-38 on 1st October 1937; an issue was framed therein in express terms re: the Will in dispute two witnesses and plaintiff were examined in the suit and when Mr. S. K. Venkataranga Iyengar had to be examined as one of the witnesses in the case, the present petition for probate was filed and stay of further proceedings in O.S. 11 of 1937-38 was obtained. Over four and a half years after the date of the alleged Will, the present petition for probate has been filed. In the face of the stern facts set out above, the opponent as the mother of her minor children characterises the Will in dispute as a spurious document fabricated by the said interested persons. The opponent may be allowed to submit that with reference to the conduct of the petitioner and his advocate Mr. S. K. Venkataranga Iyengar in the matter of the filing of Mis. 67 of 1935-36 on 16th November 1937, there have been complaints filed by the opponent in Mis. 188 of 1938-39 and Mis. 191 of 1938-39 on the file of this Hon'ble Court and they are pending orders. The petition filed for probate is obviously not for any *bonafide* purposes.

8. Late Muninanjappa did not make any Will much less did he duly execute any Will either on 5th January 1935 or on any other date prior to his death as alleged by the petitioner. There was no necessity for Muninanjappa to have executed any Will at all. He was more than aware that as the father and manager of his joint family with ancestral properties, he had no testamentary capacity to dispose off his properties by means of a Will.

9. The late Muninanjappa was seriously ill and bed ridden for over three months prior to his death. Throughout his illness he had a wandering mind. For nearly two weeks prior to his death he lost his consciousness and his life was despaired of almost every minute. He was absolutely incapable of commanding any sound disposing mind, required for testamentary purposes.

10. Assuming that due execution of the Will will be satisfactorily proved by the petitioner, the opponent submits that the Will must have been the outcome of fraud and undue influence obviously exercised on the deceased by the petitioner through his Advocate the said Mr. S. K. Venkataranga Iyengar with the active connivance of the said Mr. M. Venkatasami. The position of Mr. S. K. Venkataranga Iyengar towards Muninanjappa was admittedly of a fiduciary nature, as between a legal adviser and his client. The claim put forward on behalf of Mr. S. K. Venkataranga Iyengar has been that he was the 'family lawyer'. There was no greater confidant to Muninanjappa than the opponent. Neither the deceased nor the said 'Family Lawyer' intimated to the opponent anything about the Will either prior to or after its alleged execution. The deceased held a respectable position in life with friends and advisers in the officers of the Civil and Military Station Municipality especially of the Engineering Department. None of his friends and well-wishers was ever consulted by the deceased admittedly in the matter of the Will. As admitted by the petitioner in the witness box in O. S. 11 of 37-38, secret instructions were given by the deceased to his "family lawyer" in the matter of drafting a Will and the petitioner acted as intermediary between the deceased and the "family lawer" for conveying materials for the Will in the course of the Will being written up. The deceased was a literate, his thumb impressions are said to have been affixed to the alleged Will, instead of his signatures in writing. The opponent was a constant attendent on the deceased, nursing him almost all the 24 hours of the day especially for five or six days prior to his death. The deceased did not affix his thumb mark during his illness to any papers to the knowledge of the opponent. The propounders of the Will must have obtained the thumb marks of a dying man if not of a dead man to the Will in dispute. Under the Will in

dispute the petitioner besides being a literate executor gets substantially more than what he would get, in case of intestacy. Under the circumstances, opponent submits that the deceased must have been a victim of fraudulent conspiracy. The petitioner took to ruinous ways of life even before he became a major. He is an undisciplined youngster with wayward tendencies, easily susceptiable to evil influences. The attestor M. Venkatasami has been always in needy financial circumstances, being a chronic debtor. The petitioner has been asserting that this opponent's thumb impression is to be found on the Will. If at all it does find a place in the Will, her thumb mark must have found its way into the Will, when the petitioner and the said "family lawyer" took her thumb impressions after her husband's death to a number of papers representing that they were required for a Civil and Military Station Court case pending against Muninanjappa at the time of his death. In point of fact, opponent's illiteracy, her implicit confidence in her son, the petitioner and her helpless position during her bereavement have been exploited by the said three persons not only for the fabrication of the Will in dispute but also for trying to create evidence against the opponent in support of the Will. The Will is thus the outcome of a gross breach of faith on the part of the propounders.

11. There have been strenously desperate attempts made by the propounders to ward off a judicial verdict on the nature of the Will in dispute and to avoid the evil consequences arising therefrom. The opponent is being coerced by interested persons not to oppose the grant of probate.

12. The petitioner is under no circumstances entitled to the probate prayed for and the petition has to be dismissed with exemplary costs. Having regard to the petitioner's persistent attempts to protract court proceedings and to starve the opponent and her children to coercion, the opponent prays for a speedy decision in the case.

Bangalore City,
Dated 14th August 1939.

Thumb mark. Left Thumb Mark of
Lakshmamma,
Opponent.

(Signed) M. Krishna Murthi
Advocate for Opponent.

Verification.

I, the Opponent abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

Bangalore City,
Dated 14th August 1939.

Thumb mark. Left Thumb Mark of
Lakshmamma,
Opponent.

Exhibit P112.

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
BANGALORE.

Mis. 257 of 1938-39.
I. A. No. 1.

In the matter of probate of the Will of deceased Mr. K. Muninanjappa.
Petitioner: K. M. Narayana Reddy.
Under Section 54 of the Mysore Probate and Administration Regulation and Section 151 and Order XIII, Rule 10 of E. P. C.

The Petitioner for reasons stated in the accompanying affidavit prays that the original Will marked Exhibit A in Mis. 67 of 1935-36 on the file of this Hon'ble Court and also Exhibit A in O. S. 11 of 1936-37 on the file of the District Judge, Bangalore be braoght into this Court and annexed to the petition for probate and made available for purposes of evidence.

(Sd.) K. M. Narayana Reddy,
Petitioner.

Bangalore, 17th July 1939.

(Sd.) M. N. Narayana Rao.
(Sd.) H. S. Narasiah.
Counsel for petitioner.

By Advocate in Court with an affidavit stamp Re. 0-12-0.

(Ind.) Not clear,
17-7-1939.

I. A. I. *vide* order sheet dated 18th July 1939.

Exhibit P113.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE No. 30 OF 1939-40.

5 IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

ORIGINAL SUIT No. 10 OF 1939-40.

Plaintiff: K. M. Narayana Reddy. *Vs.* *Defendant*: Lakshmamma.

10

Defendant's Witness List.	*Stamp.* Rs. a. p.	*Batta.* Rs. a. p.
1. Kariappa, landlord G. No. 6th Street, Jougupalyam, Ulsoor, Bangalore Cantt.	0 5 0	
2. Muni Rao, Draftsman, G. No. 5th Street, Jougupalyam, Ulsoor, Bangalore Cantt.	0 2 0	
3. Narayana Reddy, landlord, Dommalur, C. & M. Station, Bangalore	0 2 0	
4. Lakshmiah Reddy, Land Lord, Hoody, Krishnarajpuram Hobli, Bangalore Taluk	0 5 0	
5. Seethappa, Sheristedar, Collector's Office, C. & M. Station, Bangalore (to be sent through Court)	0 10 0	2 0 0
6. Nanja Reddy, Landlord, Appireddypalya, C. & M. Station, Bangalore	0 2 0	
7. Mukthabayamma, G. No. 6th Street, Jougupalyam, Ulsoor, Bangalore Cantt.	0 2 0	
8. Byamma, c/o Lakshmanaswami, Electrical Engineer, G. No. 5th Street, Jougupalyam, Ulsoor, Bangalore Cantt.	0 2 0	
9. Chikka Anniah Reddy, Milk Merchant, Appireddipalya, Bangalore Cantt.	0 2 0	
10. Chandra Singh, motor driver, Shillingeri, Kolar, now residing in Reserve Police Quarters, Bangalore	0 5 0	
	2 5 0	2 0 0

15

20

25

30

35 Defendant prays that summonses to witnesses Nos. 1 to 4 and 6 to 10 may kindly be handed over to them for personal service and batta will be paid to them by the defendants. The summonses to witness No. 5 may be sent through Court. A sum of Rs. 2 is deposited towards batta of this witness. Court fee of Rs. 2-5-0 is also produced herewith.

40 Bangalore City.

Dated 24th January 1940.

d.) G. K. RAGHAVENDRA RAO,
For Mr. M. KRISHNAMURTHY,
Advocate for the Defendant

Exhibit P114.

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, BANGALORE.

O. S. 10 OF 1939-40.

Plaintiff: K. M. Narayana Reddy. *Vs.* *Defendant*: Lakshmamma.

The plaintiff abovenamed herewith tenders court fee stamps of the value of Rs. 2-3-0 and cash Rs. 6-0-0 for the issue of witness summons to the undermentioned witnesses on his behalf, sufficient batta is in Court.

Bangalore, 8-2-40.

(Sd.) T. RAMACHANDRA RAO,
For Mr. H. S. NARASIAH,
Advocate for the Plaintiff.

Witnesses.	Rs	a.	p.	Rs.	a.	p.
(1) Mr. S. K. Venkataranga Iyengar, Advocate, Bangalore City ..	0	10	0	2	0	0
(2) Ramachandra Rao, Anekal Thimmiah's Mandy, New Tharagupet, Bangalore City ...	0	5	0	1	0	0
(3) Pandith Narasia, Anugondanahalli, Hoskote Taluk	0	5	0	1	0	0
(4) M. Venkata Swamappa, No. I. G. No. 6th Street, Ulsoor, Bangalore	0	10	0	1	0	0
(5) Hoskote Nanjundappa, G. Cross Street, Ulsoor, Bangalore	0	5	0	1	0	0
Total	2	3	0	6	0	0

Exhibit P 115.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE. BANGALORE.

BANGALORE SESSIONS CASE NO. 30 OF 1939-40.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Original Suit No. 10 of 39-40.

Plaintiff: K. M. Narayana Reddy.

Vs

Defendant: Lakshmamma.

Process Memo.

The petitioner files the following list of witnesses at the first instance and prays that summonses may be issued to them. Stamp of the value of Rs. 5-15-0 and cash Rs. 13-0-0 are doposited herewith.

Witnesses.	*Stamp.* Rs.	a.	p.	*Batta.* Rs.	a.	p.
1. S. K. Venkataranga Iyengar, B.A. LL.B., Advocate, Chickpet, Bangalore City (to give evidence.)	0	10	0	1	0	0

	Rs.	a.	p.	Rs.	a.	p.
2. Lakshmamma, Opponent, residing at 163, Gandhi Nagar, Bangalore City (to produce account books kept by late Muninanjappa and the Government of India Bonds in her custody.)	0	5	0			
3. Ramachandra Rao, Clerk in Anekal Thimmiah's Mandy, New Tharagupet, Bangalore City (to give evidence)	0	5	0	1	0	0
4. C. Kaverappa, B.A., LL.B., Advocate, Chikpet, Bangalore City (to give evidence)	0	5	0	1	0	0
5. M. Venkatasamy, Landlord, Mavalli, Bangalore City	0	5	0	1	0	0
6. Pandit Narasimhiah, Native Pandit, residing in Anugondanahally, Devangundi Post, Hoskote Taluk (to give evidence).	0	10	0	1	0	0
7. H. Gundappa, Landlord, residing in Mandur, Hoskote Taluk (to give evidence)	0	10	0	1	0	0
8. V. Balakrishna Mudaliar, residing at No. 554, East Chetty Street, St. Thomas Mount Madras (to give evidence)	0	10	0	1	0	0
9. Hoskote Nanjundappa, Contractor, G. No. 10th Street, Jougupalyam, Ulsoor, C. & M. Station Bangalore	0	10	0	1	0	0
10. Dr. Shankar Rao, Saadat Dispensary, Shoolay, C. & M. Station, Bangalore....	0	5	0	1	0	0
	4	11	0	9	0	0

EXHIBIT P116.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGI BANGALORE.

BANGALORE SESSIONS CASE NO. 30 OF 1939-40.

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE AT BANGALORE.

Original Suit No. 10 of 39-40.

Plaintiff: K. M. Narayana Reddy.

Vs.

Defendant: Lakshmamma.

Fee Certificate filed on behalf of defendant

The undersigned begs to acknowledge the receipt of full schedule fees as per regulation in the above case.

BANGALORE CITY,
14th February 1940.

(Sd.) M. KRISHNAMURTHY,
dvocate for the Defendant.

Exhibit P117.

Original Suit No. 10 of 39-40.

ISSUES.

(1) Is the Will in question genuine ?

(2) Was Muninanjappa in a sound state of mind when he executed the Will ?

Exhibit P118.

ORDER SHEET IN MIS. 67/35-36 ON THE FILE OF THE ADDITIONAL DISTRICT JUDGE, BANGALORE.

ORDER SHEET.

IN THE COURT OF DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

Form No. 102, Civil.

Mis. No. 67 *of* 1935-36.

K. M. Narayana Reddy, brother of the minors (eldest.) *Vs.* Lakshmamma, mother of the minors.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	16-11-35	*Minors.* 1. K. M. Kodandarama Reddy, 14 years. 2. K. M. Krishna Reddy, 12 years. 3. K. M. Purushotam Reddy, 11 years. 4. K. M. Janardhana Reddy, 6 years. 5. K. M. Madhava Reddy, 4 years. 6. Sharadamma, 16 years. 7. Meenakshamma, 9 years. 8. Komalamma, 2½ years. This is an application under Section 11 of the Mysore Guardian and Wards Regulation praying that the Court may be pleased to appoint him as the guardian of the properties of the minors, which have been specified in the schedule. Issue notices to the opponent, citation and publication by 6th January 1936. (Ind.) T. S., D. J.	
	I. A. 1.	Petitioner files an application under Section 12, Clause 2 of the Guardian and Wards Regulation praying that the Court may be pleased to pass an order directing the Bank of Mysore not to pay the schedule deposits and the interest thereon except as regards the last item to any one without the orders of the Court and to hold the deposits subject to the further orders of the Court. Issue prohibitory order and notice to the opponent by 6th January 1936. (Sd.) T. SINGARAVELU MUDALIAR 16-11-35.	
	6-1-36	Petitioner by Mr. S. K. Venkataranga Iyengar. Opponent by Mr. M. Krishna Murthy, Pleader. Vakalat has been filed for 1st opponent by Mr. M. Krishna Murthy and she is served personally re: Sl. No. 1. Prohibitory order issued to the Bank of Mysore, Ltd., served personally on the Manager re: Sl. No. 1 Citation and publication not issued for want of costs and stamp. Reply on 10th January 1936. (Ind.) T. S.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	10-1-36	Petitioner by Mr. B. T. Ramaswamy and in person files reply. Opponent by Mr. M. Krishna Murthy. Process fee for citation and publication not paid. To be paid at once. Reply filed. Issue same by 17th February 1936. (Ind.) T. S., 10-1-36.	
	17-2-36	On account of Tumkur Sessions, adjourned to 12th March 1936. By Order, (Ind.) V. K., *Sheristedar.* 17-2-36.	
	12-3-36	Citation served by beat of *tom tom* on account of Tumkur Sessions, adjourned to 17th March 1936. By Order, (Ind.) V. K., *Sheristedar.* 12-3-36.	
	17-3-36	Petitioner. Opponent. Published in the Gazette, dated 13 February 1936 at page 220, Part VI. On account of Tumkur Sessions, adjourned to 27th May 1935. By Order, (Ind.) V. K., *Sheristedar.* 17-3-36.	
	23-3-36 I.A. II.	(1) Opponent files an application under Section 11 of the Guardian and Wards Regulation with an affidavit praying that the Court may be pleased to withdraw the prohibitory order directing the Bank of Mysore not to pay any amounts and to permit her to draw the accrued interest on the Fixed Deposits standing in the names of her minor children and also to draw the entire sum of Rs. 10,000 and the interest thereon standing in her own name and further prays that the 8 Fixed Deposit Receipts standing in the names of the minors may be allowed to be renewed for one year and the account transferred from the City Head Office to the C. & M. Station Branch. A copy of this application has been served on the petitioner's Advocate and receipt has been filed.	
	25-3-36	(2) On 25th March 1936, the opponent files another memo praying for the reasons stated therein that pending final orders on the merits of the original petition she may be permitted to draw the accumulated interest on Rs. 75,000 belonging to the minors and also the sum of Rs. 10,000 and the interest thereon belonging to herself. (3) The petitioner has filed objections to the above petition (I. A. No. II) and states that he has no objection to the opponent taking the amount of interest on the sum of Rs. 10,000 deposited by the deceased in her name.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		Pay the interest on Rs. 1,000 standing in the name of the opponent to her for the present. Renew the fixed deposit. (Id.) T. S., 27-3-36.	
	27-5-36	On account of Bangalore Sessions adjourned to 10th June 1936. (Id.) T. S., 27-5-36.	
	10-6-36	Petitioner by Mr. S. K. Venkataranga Iyengar. Opponent by Mr. M. Krishna Murthy. For arguments on the question whether the petitioner can rely on the Will of the deceased Muninanjappa without producing a probate. Adjourned to 12th June 1936. (Id.) T. S.	
	12-6-36	Petitioner. Opponent. Court engaged in recording evidence in O. S. 13 of 1933-34. Adjourned to 13th June 1936. (Id.) T. S., 12-6-36.	
	13-6-36 42 Cal. 953	Petitioner. Opponent. For want of time adjourned to 6th July 1936. (Id.) T. S., 13-6-36.	
	6-7-36	Petitioner by Mr. S. K. Venkataranga Iyengar. Opponent by Mr. M. Krishna Murthy. On account of Bangalore Sessions, adjourned to 11th August 1936. (Id.) T. S., 6-7-36.	
	11-8-36	Petitioner } as before. Opponent } For arguments (*vide* order sheet, dated 27th May 1936.)	
	I. A. III.	Mr. M. Krishna Murthy files an application stating that 6th opponent has attained majority. For objections. Mr. B. V. M. files an application by Dr. Barda a tenant of the estate to deposit the amount due. He can deposit the amount in Court. Heard arguments. Orders on 15th August 1936. (Id.) T. S.	
	15-8-36	Petitioner by Mr. S. K. Venkataranga Iyengar, says that there is a decision of the Mysore High Court which he will produce. For orders 17th August 1936. He files objections to Mr. Barda's petition and to opponent's petition I. A. Mr. B. V. M. for Mr. Barda wants to deposit the money in Court. Deposit in Court. He may also deposit in Court the monthly rents due.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		Mr. G. Raghavendra Rao wants time to verify and state his objections to the proposal of petitioner to pay the amount to the Oriental Life Insurance Company. Adjourned to 24th August 1936. (Id.) T. S.	
	17-8-36	Petitioner's Advocate by Mr. G. K. R. Appellant's Advocate by Mr. S. D. Orders pronounced over-ruling preliminary objection. Bring up on 24th August 1936. (Id.) T. S.	
	24-8-36	On account of Bangalore Sessions, adjourned to 2nd September 1936. (Id.) T. S., 24-8-36.	
	2-9-36	Petitioner by Mr. S. K. Venkataranga Iyengar. Opponent by Mr. G. K. Raghavendra Rao files an affidavit and birth certificate. Evidence 1st October 1936. (Id.) T. S.	
	1-10-36	On account of Bangalore Sessions, adjourned to 6th November 1936. (Id.) T. S., 1-10-36.	
	6-11-36	Petitioner. Opponent. Steps not taken. On account of Bangalore Sessions, adjourned to 9th December 1936. (Id.) S. V., 6-11-36.	
	9-12-36	On account of Tumkur Sessions, adjourned to 21st January 1937. By Order, (Id.) V. L. R., *Sheristedar.*	
	21-1-37	Petitioner. Steps not taken. On account of Tumkur Sessions, adjourned to 4th March 1937. By Order, (Id.) V. L. R., *Sheristedar.*	
	4-3-37	Petitioner by Mr. M. N. S. for Mr. S. K. Venkataranga Iyengar. Opponent by Mr. M. Krishna Murthy. Steps not taken. The points about which evidence has to be taken in this case. (i) About the genuineness of the Will, and (ii) about the age of the minor who is said to have attained majority. The petitioner has to begin the case and no steps have been taken by the petitioner and no witnesses are in attendance. Even the petitioner is absent. He is said to have stood as a candidate for some election and has not come to Court. That is by no means a good ground	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		for an adjournment. Mr. S. K. Venkataranga Iyengar submits that inasmuch as he (*i. e.*, Mr. S. K. V.) is the custodian of the Will he does not want to appear in this case for the petitioner and will advise the petitioner and to engage some other counsel. He should have done that by now. He may do so at least by next date of hearing and produce the original Will to Court. As Mr. S. K. V. assures the Court that on all previous dates of hearing his party was bringing witnesses to Court, though that fact does not appear on the face of the records, and in as much as he undertakes to bring all his witnesses next day, I grant him an adjournment subject to the petitioner paying Rs. 7 costs. For evidence adjourned to 30th March 1937. Opponent and Saradamma are before the Court. Mr. M. Krishna Murthi requests me to note that the petitioner has not produced Will even to day. Mr. S. K. V. says that he will immediately go home and get the Will. He is directed to do so before 5 P.M. to day. Case will be called again at 5 P.M. to-day. (Id.) S. V., 4-3-37. Later at 5 P.M. Case called. Mr. S. K. V. files the Will with a memo. It is received subject to objections. As requested by Mr. S. K. V. it will be kept in a sealed cover in the iron safe. Adjourned to 30th March 1937. (Id.) S. V., 4-3-37.	
	Cover kept in sealed cover. 4-3-39. Re-sealed and handed over to the Nazir as per order dated 25th September 1937. (Id.) S. M., 25-9-37.		
	30-3-37	Petitioner by Mr. M. P. Somasekhara Rao. Opponent by Mr. M. Krishna Murthy. Steps not taken. Mr. M. Krishna Murthy reports receipt of costs. Mr. M. P. S. submits that he was just engaged to-day as Mr. S. K. V. could not appear in this case as probably he will have to be examined as a witness in this case. I have also.....other work for the day. Adjourned to 25th May 1937. (Id.) S. V., 30-3-37.	
	25-5-37	Petitioner as before. Opponent as before. For want of time adjourned to 18th June 1937. (Id.) S. V., 25-5-37.	
	18-6-37	Petitioner. Opponent. Steps not taken. For want of time, adjourned to 2nd July 1937. (Id). S. V., 18-6-37.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	2-7-37	Petitioner. Opponent. On account of Bangalore Sessions, adjourned to 30th July 1937. (Id.) S. V., 2-7-37	
	30-7-37	Petitioner. Opponent. Steps not taken. On account of Bangalore Sessions, adjourned to 6th September 1937. (Id.) S. V., 30-7-37.	
	6-9-37	Petitioner by Mr. M. N. Rao for Mr. M. P. S. Opponent by Mr. M. K. Murthi. Steps not taken. Mr. M. P. S. is said to be engaged in an Original Suit in the Additional District Judge's Court which is going on from day to day. Adjourned to 25th September 1937. (Id.) S. V., 6-9-37.	
	25-9-37	Petitioner by Mr. M. P. S. Opponents by Mr. M. Krishna Murthi. Steps not taken. Mr. M. P. S. wants time till Monday to state whether the opponent Saradamma has attained majority or not. Petitioner partly examined. It is 5 P.M. now. Ext. A will be kept in a sealed cover in the iron sale as requested by Mr. M. P. S. Batta to P. W. 1. Adjourned to 27th September 1937. (Id.) S. V., 25-9-37.	Will handed over to Nazir. (Sd.) Nil., 25-9-37.
	27-9-37	Petitioner by Mr. M. P. S. Opponents by Mr. M. K. Murti. Mr. M. P. S. wants time till 29th September 1937 to make his submission regarding the age of Saradamma. Mr. M. K. Murthi submits that evidence in this case cannot be taken until that point is settled. Batta to the witness present. Adjourned to 29th September 1937. (Id.) S. V., 27-9-37.	
	29-9-37	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthi. Mr. M. P. S. submits that the petitioner has filed an application for search in the Health Office, Civil and Military Station and that he could not go and make a search yesterday as he had to attend the Court of the Munsiff-Magistrate, Civil and Military Station, in connection with a suit and wants some more time to state what he has to say regarding the age of Saradamma. For making submission regarding the age of Saradamma. Adjourned to 1st October 1937. (Id.) S. V.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	1-10-37	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthi. Mr. M. P. S. submits that on a search made by the petitioner in the Registers of the Health Office, Civil and Military Station, Bangalore, he could not find anything against the certified extracts of the Birth Register filed by the opponent and so the petitioner leaves the matter to Court regarding the age of Saradamma. ORDER. I am satisfied from the affidavit of the opponent Lakshmamma and also from the extract of the Birth Register filed on 11th August 1936 along with I. A. No. III that her first daughter Saradamma was born on 10th April 1918 and that she attained majority subsequent to the filing of this Miscellaneous Case. Proceedings in this Miscellaneous Case in so far as Saradamma is concerned are therefore dropped. Pronounced in Open Court. (Sd.) S. VENKATARANGA IYENGAR, *District Judge,* 1-10-37.	
	Temporary injunction order passed in O. S. 11—37-38 on the file of this Court. Hence not intimated. 2-10-37.	In view of the order just now passed that proceedings in Mis. Case in so far as they relate to Saradamma are dropped, the order passed on 16th November 1935 on I. A. No. 1 in respect of the Fixed Deposit of Rs. 15,000 in the Bank of Mysore in the name of Saradamma is withdrawn. Intimate about this order to the Bank of Mysore. Mr. M. Krishna Murthi presses for his costs on I. A. No. 3. That question may be considered at the time of passing final orders in this Mis. Case. Mr. M. Krishna Murthi requests the Court to pass orders on his objection to the prohibitory order issued by this Court on I. A. No. 1 regarding the Fixed Deposit in the name of the opponent Lakshmamma. Mr. M. P. S. wants some time to consider and argue as he came into this case recently. That point will be argued on 1st November 1937. (Id.) S. V., 1-10-37.	
	1-11-37	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthy. Petitioner has taken out summonses to 3 witnesses. Both request that this case may be posted to 10th November 1937 with O. S. 11/37-38.	
	I. A. No. V	Mr. M. Krishna Murthi files an application under Sections 11, 33 and 49 of the Guardian and Wards Regulation. Mr. M. P. S. takes notice. Objections to that application by 10th November 1937. (Id.) S. V., 1-11-37.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	10-11-37	Petitioner's advocates by Mr. Ramachandran. Opponent by Mr. M. K. Murthi. Objections to I. A. No. 5 by 11th November 1937. (Id.) S. V., 10-11-37.	
	11-11-37	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthi. Objections to I. A. No. 5 filed in the form of an affidavit. Mr. M. K. Murthi says that he is not agreeable to the arrangement proposed in the affidavit filed to-day. For arguments on 12th November 1937. (Id). S. V.	
	12-11-37	Petitioner. Opponent. Arguments. For want of time adjourned to 13th November 1937. (Id.) S. V., 12-11-37.	
	13-11-37	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthi. Arguments heard. Before proceeding to pass orders I want to know how much interest has been drawn by the opponent Lakshmamma as guardian of the minors before the prohibitory order was served on the Bank. Adjourned to 15th November 1937. (Id.) S. V., 13-11-37.	
	15-11-37	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthi. Intimation received from the Bank of Mysore. Both say that out of the sums mentioned in that intimation interest received on F. D. Nos. 454 and 457 should be excluded and if it be so due the sum drawn by Lakshmamma on behalf of the minors prior to the service of prohibitory order on the Bank will be Rs. 1,168-15-0. Mr. M. P. S. argues that Section 18 of the Transfer of Property Regulation and the corresponding provision Section 117 of the Indian Succession Act are inapplicable to Hindus who are governed by the Hindu Law. For arguments on that point. Adjourned to 16th November 1937. (Id.) S. V., 15-11-37.	
	16-11-37	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthi. Arguments heard. Order on 19th November 1937. (Id.) S. V., 16-11-37.	
	19-11-37	Petitioner. Absent. Opponent. I want to hear further arguments. Adjourned to 16th December 1937	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	16-12-37	Petitioner. Opponent. On account of Bangalore Sessions adjourned to 26th January 1938. (Id.) S. V., 16-12-37.	
	26-1-38	On account of Bangalore Sessions adjourned to 7th February 1938. (Id.) S. V., 26-1-38.	
	7-2-38	Petitioner. Opponent. As the Judge is on casual leave adjourned to 15th March 1938. By Order, (Id.) V. L. R. *Sheristedar.*	
	15-3-38	Petitioner. Opponent. On account of Tumkur Sessions adjourned to 22nd March 1938. By Order, (Id.) V. L. R., *Sheristedar*, 15-3-38.	
	22-3-38	Petitioner. Opponent. For want of time adjourned to 30th March 1938. (Id.) S.V., 22-3-38.	
	30-3-38	Petitioner absent. Opponent by Miss Amrutamma for Mr. M. K. Heard arguments of Miss Amruthamma. Order on I. A. No. 5 on 2nd April 1938. (Id.) S. V.	
	2-4-38	Petitioner by Mr. K. Nanjundiah for Mr. M. P. S. Opponent by Mr. N. S. Narayana Rao for Mr. M. K. Order on I. A. No. 5 pronounced. For evidence on the merits of the main petition. Adjourned to 4th July 1038. (Id.) S. V., 2-4-38.	
	25-5-38	1st Opponent files an application under Section 11 of the Guardian and Wards Regulation praying that for reasons stated therein the Court may be pleased to call upon the petitioner to pay her Rs. 2,300 being the balance of amount due, that the F. D. receipts noted therein may be renewed and to arrange for a monthly payment of Rs. 125 out of the petitioner's own moneys, etc. To hear both on this petition. Adjourned to 7th July 1938. (Id.) S. V., 25-5-38.	

Serial No.	Date of order or proceeding	Order of proceeding with signature of presiding officer
	7-6-38	Petitioner. Opponent. As the Judge is on casual leave adjourned to 17th June 1938. By Order, (Id.) V. L. R., *Sheristedar.*
	17-6-38	Petitioner. Opponent. As the Court is engaged in hearing arguments in Mis. 191—37-38, this case is adjourned to 28th June 1938. (Id.) S. V., 17-6-38.
	28-6-38	Petitioner by Mr. Ramachandra for Mr. M. P. S. Opponent by Mr. B. V. Rao for Mr. M. K. To hear *re* I. A. No. 6. Mr. Ramachandra wants some time to file objections. Objections and arguments on 2nd July 1938. (Id.) S. V., 28-6-38.
	2-7-38	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthi. Objections and arguments. Mr. M. P. S. wants time till Monday to file his objections. In the meantime opponent No. 1 may get the fixed deposits renewed at once. I have Tumkur Sessions from 4th July 1938. I therefore post this to 9th July 1938 for objections and arguments. (Id.) S. V., 2-7-38.
	4-7-38	Petitioner. Opponent. No steps taken *re* main petition. On account of Tumkur Sessions adjourned to 9th July 1937. By Order, (Id.) V. L. R., *Sheristedar.* 4-7-38.
	9-7-38	Petitioner by Mr. M. K. Murthi. Opponent by Mr. M. P. S. Objections and arguments *re* : I. A. No. 6. No steps taken *re* main petition which was posted for evidence on 2nd April 1938. Objections *re* I. A. No. 6 filed. In the meanwhile Mr. M. Krishna Murthi requests the Court to intimate to the Mysore Bank that the 1st Opponent Lakshmamma is permitted by the Court to have the Fixed Deposit renewed. He also adds that they may be got renewed for one year from this date. Inform the Mysore Bank accordingly.
	Written (Id.) Not clear.	
	13-7-38	For arguments on 14th July 1838. (Id.) S. V., 9-7-38.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	14-7-38	Petitioner by Mr. M. P. S. 1st Opponent by Mr. M. K. Murthi. The District Munsiff, C. & M. Station has sent a letter requesting to send the original Will dated 5th January 1935 executed by the deceased K. Muninanjappa for reference in O. S. 28—36 on his file. A sum of Rs. 2 has been deposited being the batta and conveyance allowance. Mr. M. K. Murthi submits that he is in correspondence with the Mysore Bank and that if they give this final decision in the matter it would facilitate the disposal of the matter that is for arguments and that this case may be adjourned by a few days. Adjourned to 22nd July 1938. (Id.) S. V.	
	22-7-38	Petitioner by Mr. M. P. S. Opponents by Mr. M. K. Murthi. The Manager, Bank of Mysore, Ltd., Bangalore, in his letter No. F. D. 51—8343, dated 18th July 1938, informs that the principals of the fixed deposit receipts Nos. 43—449, 43—450, 43—451, 43—452, 43—453, 43—454, 43—455, 43—456 have been renewed and in accordance with this office letter No. 1291, dated 5th April 1938 the Bank has paid Rs. 631-1-0 on 6th April 1938 being the interest that was available on the said deposits and that the Bank has paid Rs. 1,621-8-0 being the interest due from 5th November 1938 to 18th July 1938. Mr. M. K. Murthi files the letter he received from the Manager of the Mysore Bank. For arguments on 29th July 1938. (Id.) S. V., 22-7-38.	
	29-7-38	Petitioner by Mr. Ramachandra for Mr. M. P. S. Opponents by Mr. M. K. Murthy. Arguments. Mr. Ramachandra submits that Mr. M. P. S. is engaged in the High Court in an appeal that is going on for the last 3 days. Adjourned to 2nd August 1938. (Id.) S. V.	
	2-8-38	Petitioner by Mr. M. P. S. Opponents by Mr. M. K. Murthi. Arguments.	
I. A. No. 7.		The 1st opponent files an application under Section 11 of the Guardian and Wards Regulation stating—(1) that a sum of Rs. 1,141-1-0 is due upto 2nd August 1938 towards maintenance; (2) that the minors have suffered a loss of Rs. 3,243 on account of the unrenewal of the F. D. R's after the petitioner filed this petition; (3) similarly the oppponent and the minor Sri Saradamma have suffered a loss of Rs. 900;	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		(4) that the petitioner is liable to pay the said sum as also the future maintenance charges at the rate of Rs. 125 per month till 18th January 1939, *i. e.*, till the half yearly interest on the renewed F. D. R. is received by this opponent and prays for immediate orders on the above points. She further states that one of the minors Kodandarama Reddy will become a major in 2 or 3 months; that the genuineness and validity of the alleged Will is in dispute in O. S. 11—37-38 of this Court and also in several suits in C. & M. Station Courts and prays that under these circumstances it is essential to determine whether the present proceedings should still continue. A copy of this petition has been served on petitioner's advocate. Mr. M. P. S. wants time to file his objections to I. A. No. 7. Objections and arguments on 6th August 1938. (Id.) S. V., 2-8-38.	
	6-8-38	Petitioner } Absent; will be called again. Opponents } Objections to I. A. 7. Arguments. Called again at 1-45 P.M. None present. Called again at 2-50 P.M. Petitioner by Mr. M. P. S. Mr. M. P. S. filed objections to I. A. 7. Arguments on 6th September 1938. (Id.) G. P., 6-8-38.	
	8-8-38	The District Munsiff, Bangalore, requests in his letter dated 2nd August 1938 the production of the unregistered Will dated 5th January 1935 executed by the late K. Muninanjappa and filed in this case for reference in O. S. 28 of 1936 on the file of his Court. He has already sent Rs. 2 being the batta and conveyance allowance for the official of this Court. Bring up on the date of hearing. (Id.) S. V., 8-8-38.	
I. A. No. 8.	12-8-38 (Id.) Not clear Clerk.	The opponent Lakshmamma files an application under Section 151, C. P. C. with an affidavit praying that for the reasons stated in the affidavit the case may be advanced from 6th September 1938 to an early date for further proceedings. A copy of this application has been served on petitioner's Advocate on 10th August 1938.	
	13-8-38	Case advanced and reposted for arguments to 19th August 1938. (Id.) S. V.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleader when necessary
	19-8-38	Petitioner. Opponents. Arguments. As the Judge is not in the station adjourned to 24th August 1938. (Id.) V. L. R., *Sheristedar*, 19-8-38.	
	24-8-38	Petitioner. Opponent. Arguments. On account of Bangalore Sessions adjourned to 26th August 1938. (Id.) S. V., 24-8-38.	
	26-8-38	Petitioner. Opponents. Arguments. On account of Bangalore Sessions adjourned to 29th August 1938. (Id.) S. V., 26-8-38.	
	29-8-38	Petitioner. Opponent. Arguments.	
	I. A. No. 9	The petitioner has filed an application under Order 13 Rule 9 of the C. P. C. praying that the original of late K. Muninanjappa marked as Ext. A in the case may be returned to him to enable him to file the same in O. S. 28 of 1936 on the file of the District Munsiff, C. & M. Station, Bangalore. He has produced a certified copy of the said Will and also undertakes to produce the original whenever required by this Court. In para 8 of the affidavit filed with I. A. No. 8, dated 8th August 1938 the opponent Lakshmamma states that the Will is not genuine and that she would prove the same. Court engaged in recording evidence in Mis. 199—36-37 (Election Case). For want of time adjourned to 3rd September 1938. (Id.) S. V., 29-8-38.	
	3-9-38	Petitioner. Opponents. Judge being on casual leave adjourned to 16th September 1938. By Order, (Id.) S. N. A. *For Sheristedar*, 3-9-38.	
	6-9-38	At the request of both counsels case advanced to this day and reposted to 10th September 1938. (Id.) S. V., 6-9-38.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	10-9-38	Petitioner. Opponent. Court engaged in hearing criminal appeals. For want of time adjourned to 19th September 1938. (Id.) S. V., 10-9-38.	
	19-9-38	Petitioner. Opponent. Arguments. On account of Bangalore Sessions adjourned to 26th September 1938. (Id.) S. V., 19-9-38.	
	26-9-38	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Reply received from the First Class Magistrate (District Munsiff, C. & M. Station) Bangalore, stating that the suit O. S. 28—36 of his Court is posted to 11th October 1938 for hearing. Mr. M. P. S. files additional objections. Court engaged in Sessions. Adjourned to 27th September 1938 for arguments. (Id.) S. V., 26-9-38.	
	27-9-38	Petitioner. Opponents. Adjourned with O. S. 11—37-38 to 12th October 1938. (Id.) S. V. *District Judge,* 27-9-38.	
	12-10-38	Petitioner. Opponent. Arguments. As the Judge is on leave adjourned to 14th October 1938. By Order, (Id.) V. L. R., *Sheristedar.*	
	14-10-38	Petitioner. Opponent. Arguments. Court engaged in hearing arguments in Crl. A. 53—38-39. For want of time adjourned to 18th October 1938. (Id.) S. V., 14-10-38.	
	18-10-38	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthi. Arguments heard in part. It is 5 P.M. They will be continued to-morrow. Adjourned to 19th October 1938. (Id.) S. V., 18-10-38.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	19-10-38	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthi. Arguments continued. They are not yet concluded. It is 5 P.M. now. Adjourned to 20th October 1938. (Id.) S. V., 19-10-38.	
	20-10-38	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthi. Arguments continued and not yet concluded. Arguments will be continued to-morrow as it is 5 P.M. now. Adjourned to 21st October 1938. (Id.) S. V.	
	21-10-38	Petitioner by Mr. M. P. S. Opponent by Mr. M. K. Murthi. Arguments.	
	I. A. No. 10	Mr. M. K. Murthi files an application under Section 16 of the Guardian and Wards Act with an affidavit. Mr. M. P. S. wants some time to file a counter affidavit and then continue his arguments. Adjourned to 31st October 1938 as from 25th October 1938, I have Sessions. (Id.) S. V., 21-10-38.	
	31-10-38	Petitioner. Opponents. Arguments. On account of Bangalore Sessions adjourned to 2nd November 1938. (Id.) S. V., 31-10-38.	
	2-11-38	Petitioner. Opponents. Arguments. On account of Bangalore Sessions adjourned to 12th November 1938. (Id.) S. V., 2-11-38.	
	12-11-38	Petitioner. On account of Tumkur Sessions adjourned to 24th November 1938. By Order, (Id.) S. N. A., *Sheristedar*, 12-11-38.	
	24-11-38	Petitioner. Opponents. Arguments. Opponent Lakshmamma files an application under Section 40 (2) (*b*) of the Guardian and Wards Regulation with an affidavit praying that for reasons stated therein the Court may be pleased to drop the present proceedings so far as they relate to 1st ward (K. M. Kodandarama Reddy) as he has since become a major on 18th November 1938. Bring up on 28th November 1938. (Id.) S. V.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer
	I. A. No. 12	First ward (K. M. Kodandarama Reddy) files an application under Section 40 (2) (*b*) and (3) and 48 of the Guardian and Wards Regulation praying that the present proceedings against him be dropped and the prohibitory order now in force be withdrawn, that the petitioner be directed to pay the cost of the proceedings and also make good losses to the extent of Rs. 500, that he be appointed guardian along with the present opponent and that the petitioner be not given any sort of control over the minors' monies, etc. Bring up on 28th November 1938. (Id.) S. V.
	28-11-38	Petitioner by Mr. M. P. S. Opponents by Mr. M. K. Murthi.
	I. A. No. 13.	Mr. M. P. S. files a counter affidavit to the affidavit of the opponent filed on 21st October 1938. He also files an application praying that some objectionable portion in that affidavit of the opponent may be ordered to be deleted. He also files an affidavit by way of objections to I. A. No. 11. He wants time till to-morrow to file objections to I. A. No. 12. ORDER ON I. A. No. 11. Inasmuch as admittedly Kodandarama Reddy has since attained majority, the proceedings in this case so far as they relate to him are dropped. Pronounced in open court. (Sd.) S. VENKATARANGA IYENGAR, *District Judge,* 28-11-38. In view of the order passed on I. A. No. 11 to-day the prohibitory order in respect of the Fixed Deposit of Rs. 10,000 relating to Kodandrama Reddy is raised. Issue necessary intimation about it to the Bank of Mysore. I. A. No. 12 will be considered after the petitioner files objebtions to it. Heard arguments. I will pass orders after objections are filed on I. A. No. 12. Adjourned to 29th November 1938 for objections on I. A. No. 12. (Id.) S. V., 28-11-38.
	29-11-38	Petitioner's Advocate by Mr. K. N. Opponent by Mr. M. K. Murthi. Objections to I. A. No. 12 filed. Mr. M. K. Murthi files objections to I. A. No. Arguments on I. A. No. 12, dated 30th Nov. 1938. (Id.) S. V., 29-11-38.
	30-11-38	Petitioner by Mr. M. P. S. Opponents by Mr. M. K. Murthi. Mr. M. P. S. files an affidavit to-day. Heard arguments. Order on 6th December 1938. (Id.) S. V., 30-11-38.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	6-12-38	Petitioner. Opponents. Order not ready as out of the authorities cited by Mr. M. Krishna Murthi the following are not produced. 2 C. W. N. 521 and 15 C. W. N. 457. Those authorities should be produced and after going through them if I find any necessity to hear further on any of the points of law I will do so next day and then proceed to pass orders. Adjourned to 25th January 1939. (Id.) S. V., 6-12-38.	
	25-1-39	Petitioner. Opponents. As the Judge is on casual leave adjourned to 23rd February 1939. By Order, (Id.) V. L. R., *Sheristedar.*	
	23-2-39	On account of Tumkur Sessions adjourned to 30th March 1939. By Order, (Id.) V. L. R., *Sheristedar.*	
	25-3-39	Authorities produced and put up. Order on 30th March 1939. (Id.) S. V., 25-3-39.	
	30-3-39	Petitioner } As before Opponent } Order not ready as this record and that of the connected suit O. S. 11—37-38 were with the Inspection clerks of the High Court for taking down notes and were sent to me at 9 A.M. to day. Order on 1st April 1939. (Id.) S. V. 30-3-39	
	1-4-39	Parties as before. Order not ready as I was engaged with Mr. Justice Singaravelu Mudaliar when he inspected the Court to day. Order on 3rd April 1939. (Id.) S. V., 1-4-39.	
	3-4-39	Petitioner absent. Opponents by Mr. M. K. Murthi. Orders on I. A. Nos. 6, 7, 10, 12 and 13 as well as on the main petition pronounced. Adjourned to 5th April 1939 to hear Official Receiver. (Id.) S. V., 3-4-39.	
	5-4-39	Petitioner. Opponents. Official Receiver. On account of Bangalore Sessions adjourned to 8th April 1939. (Id.) S. V. 5-4-39.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer
	8-4-39	Petitioner's Advocate by Mr. Balaji. Opponents absent. Official Receiver Mr. K. V. Subba Rao is in person. He says that he is willing to be the guardian of the properties of the minors in the Mysore Bank. ORDER. In continuation of my order passed on 3rd April 1939, I hereby make an order appointing Mr. K. V. Subba Rao, the Official Receiver of the Bangalore Division, guardian of the properties of K. M. Krishna Reddy, K. M. Purushothama Reddy, K. M. Janardana Reddy, K. M. Madhava Reddy, Meenakshamma and Komalamma, the children of the late K. Muninanjappa that are in the Mysore Bank. His remuneration will be three per cent on the collection of half-yearly interest. After collecting the half-yearly interest regularly from the Mysore Bank on the Fixed Deposits belonging to the minors the Official Receiver will pay to the opponent Lakshmamma the entire interest on those deposits after deducting the remuneration due to him, for the maintenance, education, etc., of the minors. He should also get the Fixed Deposits renewed from time to time. In the circumstances of this case I think the proper order to pass regarding costs would be to direct the parties to bear their own costs and I order accordingly. Pronounced in Open Court. (Sd.) S. VENKATARANGA IYENGAR, *District Judge,* 8-4-39.
	30-3-40 I. A. No. 14	First opponent files an application under Section 151, C. P. C., stating that the Court was pleased to appoint the Official Receiver, Bangalore Division, as the guardian of the properties of the minors, that are in the Bank of Mysore, Ltd., that the properties are in the shape of Fixed Deposits and the term of the said deposits expired in the month of July 1939; that though the term expired, the deposits have not been renewed and prays that the Court may be pleased to renew the Fixed Deposits in the name of the minors for a further period of one year and that the accrued interest may be drawn and paid to this opponent on behalf of the minor. To hear Mr. K. V. Subba Rao, the Official Receiver, on 13th May 1940. (Id.) H. N. 30-3-40.

Exhibit P118 (*a*).

Order, dated 29th August 1938 on the Order Sheet in Mis. 67—35-36 of the District Court, Bangalore.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE. 5

MISCELLANEOUS No. 67 OF 1935-36.

Petitioner: K. M. Narayana Reddy. *Vs.* *Opponent*: Lakshmamma.

29-8-38. Petitioner. 10
Opponents.
Arguments.

I. A. 9. The petitioner has filed an application under Order 13, Rule 9 of the C. P. C. praying that the original Will of late K. Muninanjappa marked as Ext. A in the case may be returned to him to enable him to file the same in O. S. 28 of 1936 on the file of the District Munsiff, C. & M. Station, Bangalore. 15

He has produced a certified copy of the said Will and also undertakes to produce the original whenever required by this Court.

In para 8 of the affidavit filed with I. A. No. 8, dated 8th August 1938, the Opponent Lakshmamma states that the Will is not genuine and that she would prove the same. 20

Court engaged in recording evidence in Mis. 199—36-37 (Election Case). For want of time adjourned to 3rd September 1938.

(Intd.) S. V., 25
29-8-38

Exhibit P119 and 119 (*a*).

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION BANGALORE.

MIS. No. OF 1935-36. 30

Petitioner:—K. M. Narayana Reddy, son of K. Muninanjappa, aged about 24 years, 22, Cambridge Road, Civil & Military Station, Bangalore.

Vs.

Opponent:—Lakshmamma, aged about 40, wife of K. Muninanjappa, Ulsoor, Civil & Military Station, Bangalore.

By Advocate Mr. S. K. Venkatarangiengar with an interim application and vakalat.
Application stamp Re. 0-12-0 35
Interim application stamp 0-12-0
Vakalat stamp 0- 8-0
(Intd.) V. K.,
16-11-38. 40
Mis. 67—35-36.

Under Section 11 of the Mysore Guardian and Wards Regulation the petitioner abovenamed states as follows:—

The petitioner's father herein one K. Muninanjappa, died in Civil and Military Station, Bangalore, on 8th January 1935 possessed of considerable immoveable and moveable properties both in Civil and Military Station and Mysore State, of the value of about Rs. 3 lakhs. 45

He left behind him, besides the petitioner who is the eldest son, five sons by name (1) K. M. Kodandarama Reddy, minor, aged about 14, (2) K. M. Krishna Reddy, minor, aged about 12, (3) K. M. Purushotam Reddy, minor, aged about 11, (4) K. M. Janardhana Reddy, minor, aged about 6, (5) K. M. Madhava Reddy, aged about 4 and three daughters by name (1) Saradamma, minor, aged about 16 (2) Meenakshamma, minor, aged about 9, (3) Komalamma, minor, aged about $2\frac{1}{2}$ years. 50 55

He has also left behind him his wife the opponent, herein mother of the petitioner and his brothers and sisters.

The properties left behind by the deceased consist of bungalows, vacant sites, agricultural lands and cash and outstandings besides jewellery.

Of the cash left behind are deposits with the Bank of Mysore, Limited, Bangalore City, in the names of the minor sons aforesaid for Rs. 10,000 each, Rs. 15,000 in the name of the minor daughter Saradamma aforesaid and Rs. 10,000 in the name of the wife, the opponent aforesaid.

These deposits mature for payment on 5th November 1935.

The deceased left a Will a true copy of which is herewith filed under which he appointed the petitioner and his wife Lakshmamma aforesaid as joint executors and guardians of the person and properties of the minors. } Exhibit P119 (*a*).

The said Lakshmamma, who at first agreed to act as under the Will, and who has attested the Will in token of her acceptance has been latterly disclaiming knowledge thereof, and is otherwise acting against the interests of the minors' estate being under the influence of persons who are anxious to exploit the situation and take advantage of her weakness.

That even though the testator has directed that the deposits aforesaid are to be kept in tact and renewed unless they are to be invested in better securities, she is making attempts to draw the same immediately they mature, taking advantage of the existence of the fixed deposit receipts with her, and the fact that they are in her name as guardian of the minors.

That the testator has given clear and specific directions in the Will that his wife should have absolute estate to the extent of only Rs. 2,000 out of Rs. 10,000 deposited in her name and to have life estate in the balance of Rs. 8,000 the same to vest in the minor daughters Meenakshamma and Komalamma, aforesaid at her death, if alive, and in the event of their being not alive, in such of the minor sons as may be alive.

Though the petitioner and the minors are residents in Civil and Military Station, Bangalore, any order by the Civil and Military Station Courts would not be effective as the deposits are held by the Mysore Bank within the jurisdiction of this Court and as in spite of the petitioner's notice to the Bank, the authorities have replied that they cannot comply with the terms thereof in the absence of an order from a competent court, and as unless the deposits are kept with the Bank secure for the minors will be jeopardised, this petition is filed before this Honourable Court for a declaration of his guardianship to the property of the minors within the jurisdiction of the Honourable Court.

The petitioner is, ever since the death of his father acting as the executor under the Will of the deceased in respect of several affairs touching the minors' estate.

He is the seniormost male member of the family competent to be the guardian of the minors and he is a contractor by profession carrying on contract works in Civil and Military Station, Bangalore, having been associated with his father in several works which he had taken on contract.

Besides, his father had immense confidence in him having appointed him as the guardian of the person and properties of the minors under his Will and it is just and necessary that the Court be pleased to declare him as the guardian of the property of the minors within the jurisdiction of this Honourable Court.

No application is made in any Court for a declaration of the guardianship.

(Sd.) K. M. NARAYANA REDDY.

I, the petitioner, do hereby declare that what is stated above is true to the best of knowledge.

(Sd.) K. M. NARAYANA REDDY,
Petitioner.

I, the petitioner abovenamed, solemnly declare that I am willing to act as the guardian of the properties of the minors within the jurisdiction of this Honourable Court.

(Sd.) K. M. NARAYANA REDDY.

The above is attested by me.

Sd. (1) K. V. ANANTA RAJ.
,, (2) B. RACHAPPA.

Exhibit P120.

Objection filed in Miscellaneous 67—35-36 on the file of the District Judge, Bangalore, by late Mr. M. K. Murthy.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE. 5

MISCELLANEOUS CASE NO. 67 OF 1935-36.

Petitioner:		*Opponent*:
K. M. Narayana Reddy.	*Vs.*	Lakshmamma.

Opponent's Objection Statement.

1. The very allegations in the petition assuming them all to be true and correct do not in law entitle the petitioner for the declaration asked for in the petition. 10

2. The petition is not maintainable in law and the provisions of law quoted for the petition being even entertained are obviously erroneous.

3. The deposits are the separate properties of the minors; the opponent is in law the natural guardian of the minors' separate properties. Her status as guardian has been fully recognised by the petitioner from the very date of the deposits. 15

4. The petition is not well founded; it is based on false allegations. The Will referred to in the petition is a fabricated document, unregistered and unprobated as it is. The original Will is not produced before court. Without establishing in a proper court the genuineness and the validity in law of the alleged Will, the petitioner cannot ask for the opponent's natural rights being taken away in the present proceedings, summary as they are in nature. 20

5. The opponent submits that it is neither necessary nor is it for the welfare of the minors that a declaration of the kind in question is granted. Further the grant of any such declaration far from protecting the welfare of the minors, proves detrimental to it in more than one way. Almost all the family properties are within the limits of Civil and Military Station. 25

6. The reasons given for initiating proceedings, in the present form in this Hon'ble Court are inadequate and unsound. The petitioner is actuated by ulterior motives in filing the petition in question. 30

7. The petitioner is an inexperienced youngster, that has, in spite of his mother's exhortations and his deceased father's express warnings, allowed himself to come under the baneful influence of evil minded persons and debtors to the family. The petitioner has already begun to make ducks and drakes of the family moveables. The petitioner is hardly capable of guiding himself aright, much less to take care of minors' interests. Judged from any point of view, the petitioner is least qualified to become the guardian of the minors' properties, if at all any change of guardianship is found essential for securing the minors' welfare. The claims urged by the petitioner for managing the minors' properties have no basis in fact. 35 40

8. The petitioner's conduct is manifestly mala fide. He has obtained the prohibitory order on untrue and false allegations. Minors' interests have considerably suffered by the petitioner's wrongful course of conduct. He has to make good all the losses occasioned to the minors and the opponent by all his wrongful dealings with family properties. 45

9. Both the petitions under consideration are not paragraphed. They are full of false allegations. The opponent does not feel called upon to traverse in this objection statement every one of the allegations in the petition seriatim, beyond submitting that the petitioner has recourse to vague and reckless allegations in general terms for sustaining the petitions in question. The motives attributed to the opponent are groundless. Mother that the opponent is to the petitioner as well as to all the minors, her behaviour cannot be taken exception to in any conceivable manner. The opponent was taken into confidence by her husband in the accumulation and management of the family properties. 50

10. The main petition is unsustainable both in law and on facts. It is liable to be summarily dismissed *in limine*. The petitioner is counting upon the prolongation of the proceedings to coerce the opponent to terms, if possible, to the prejudice of the rights of the minors in the family properties. 55

Wherefore the opponent prays that the petition be dismissed with costs, without being posted for evidence

Bangalore City,
Dated 6th January 1936.

L. T. mark of Lakshmamma,
Opponent.

5

(Sd.) M. Krishna Murthi,
Advocate for Opponent.

I, the opponent abovenamed do hereby declare that what is stated above in paras 1 to 10 is true to the best of my knowledge.

Bangalore City,
10 Dated 6th January 1936.

L. T. mark of Lakshmamma,
Opponent.

Exhibit P121.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

MISCELLANEOUS CASE No. 67 OF 1935-36.

15 *Petitioner*: T. M. Narayana Reddy. *Vs.* *Opponent*: Lakshmamma.

Under Section 11 of the Guardian and Wards Regulation.

For the reasons stated in the accompanying affidavit the opponent prays that this Hon'ble Court may be pleased to withdraw the Prohibitory Order, passed by this Hon'ble Court ex parte directing the Mysore Bank, Ltd., not to pay the opponent any amounts, *re* 8 F. D. Rs. Nos. 43/449 to 456 standing in the names of the opponent's own children and F. D. R. No. 43/457 in her own name and to permit the opponent to draw the accrued interest on the Fixed Deposits standing in the names of her minor children, with the opponent as guardian and also to draw the entire sum of Rs. 10,000 and the interest thereon due on the Fixed Deposit Receipt No. 43/457, standing in her own name.

20 By Adv. clerk with an adffidavit two letters of Mysore Bank and a copy application returned. Application stamp Re. 0-12-0.
(Id.) V. K.,
19-3-36.

25 I. A. No. II—*Vide* Order sheet.
19-3-36.

The opponent further prays that the 8 F. D. Rs. standing in the names of the minors may be allowed to be renewed for one year, in the names of the minors, with their mother as guardian as hitherto and the account be transferred from the
35 Mysore Bank Head Office at the City to their Branch at Civil and Military Station, Bangalore.

Bangalore City,
Dated 19th March 1936.

Left thumb mark of Lakshmamma,
Opponent,

(Sd.) M. Krishna Murti,
Advocate for Opponent.

40

Verification.

I, the opponent abovenamed do hereby declare that what is stated above is true to the best of my knowledge and belief.

Bangalore City,
45 Dated 19th March 1936.

Left thumb mark of Lakshmamma,
Opponent.

The receipt acknowledging receipt of the copy of the affidavit and application by the petitioner's advocate is produced herewith.

(Sd.) G. K. RAGHAVENDRA RAO,
Counsel for the Opponent.
19-3-36.

50

Exhibit P121(a).

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

MIS. CASE NO. 67 OF 1935-36.

Petitioner. *Opponent.*

K. M. Narayana Reddy. *Vs.* Lakshmamma.

Opponent's Affidavit.

Lakshmamma, aged about 45, wife of late Mr. K. Muninanjappa, residing at 13 G. No. 5 Street, Ulsoor, C. & M. Station, Bangalore, do hereby solemnly affirm and state as follows:—

1. There has been an ex parte order passed by this Hon'ble Court, prohibiting the Mysore Bank, Bangalore City, from making any payments to me *re* the 9 F. D. Rs. referred to in the petition.

2. On account of the prohibitory order now in force, the minors and myself have already lost considerably. The total amount standing in the name of the minors is Rs. 75,000 and the amount standing in my name is Rs. 10,000. The accrued interest thereon is not paid to me.

3. Further the period of Deposit having expired, the amounts remain unrenewed and as such carry no interest at all.

4. From the date of the Deposits namely, dated 5th November 1934, the names of the minors' father K. Muninanjappa and mother K. Lakshmamma *i. e.*, myself have been mentioned as guardians of the minors, payable to either or survivor.

5. The said Mr. K. Muninanjappa having died on 8th January 1935, I become entitled to deal with the said minors' deposits as surviving guardian.

6. So far as F. D. R. No. 43/457 relating to Rs. 10,000, it stands exclusively in my name.

7. If not for the present petition and the interlocutory order passed therein, there would be nothing to hinder me from dealing with the deposits as guardian of the minors or on my own behalf.

8. The petition under consideration has been filed by my own son, an youngster, just out of teens and completely under the evil influence of persons with their own axes to grind. I dispute the execution of the Will set up by the petitioner, or its genuineness and validity.

9. The Will in question relates to the properties, most of which are situate at C. & M. Station. Neither does the Will take away my rights as guardian of my minor children, so far, at all events, as they concern the F. D. amounts.

10. The said Will is not a registered one; there has no petition filed for the Will being probated.

O Left thumb mark of Lakshmamma.

11. My son the said Narayana Reddy has filed the present petition with mala fide motives to get the Will indirectly recognised, if possible as genuine at the hands of this Hon'ble Court.

12. I have been advised to plead that this Hon'ble Court has no jurisdiction to pass any orders *re* the Will in the present guardianship proceedings, summary as they are.

13. No evidence of any kind at all is required to pass final orders on the main petition in question.

14. The petitioner has been purposely prolonging the proceedings with ulterior motives.

15. The petitioner has not produced into Court even the copy of the Will as alleged in the petition, as per the returned application therefor, produced herewith.

16. I beg leave to produce also Mysore Bank's two communications to me dated 10th July 1935 and 20th November 1935.

17. The Mysore Bank is agreeable to the F. D. Accounts being transferred to their Branch at C. & M. Station.

18. According to the very admitted facts, only competent Court to pronounce any orders on the Will in question would be the Hon'ble the District Court at C. & M. Station. If the deposits now under consideration be allowed to be transferred to C. & M. Station, Mysore Bank Branch, the petitioner will be better able to establish her claims there. Proceedings at courts in different jurisdictions over the same subject matter would be very detrimental to the interests of the minors.

19. The petitioner has already begun to make ducks and drakes of the family properties in his custody. He is sure to take undue advantage of the ensuing summer vacation and cause any amount of trouble and annoyance to me.

20. Interested as I am in the welfare of my own children, I am for safeguarding the minors' rights more than an inexperienced boy that the petitioner is. In the interests of justice it is essential that:

(i) I be permitted (a) to draw from the Mysore Bank the interest that has accrued due on the deposits in the names of the minors, (b) to get the deposits renewed for another year in the names of the minors, with me as their guardian and (c) to direct the Mysore Bank to transfer the deposits accounts to their Branch at C. & M. Station;

(ii) I am also permitted to deal with my F. D. amount as an absolute depositor thereof and to draw all interest accrued thereon.

Unless these orders are immediately passed and the same communicated to the Mysore Bank before the summer vacation commences, minor children's interests will get jeopardised on account of the petitioner's mischievous activities and a helpless woman that I am, I will be put to costly litigation in several forms. I accordingly pray for immediate orders. I am ever willing to scrupulously obey every one of the directions of this Hon'ble Court.

O Left thumb mark of Lakshmamma,
Opponent.

BANGALORE CITY,
Dated 19th March 1936.

Sworn to before me.

(Sd.) V. KRISHNASAMI IYENGAR,
Sheristedar,
District and Sessions Court,
Bangalore City.
19-3-1936.

Exhibit P122.

Application dated 10—11th August 1936, filed by the opponent in Mis. Case No. 67—35-36, on the file of the District Judge, Bangalore.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

MIS. CASE NO. 67 OF 1935-36.

Petitioner.		*Opponent.*
K. M. Narayana Reddy.	*Vs.*	Lakshmamma.

I. A. No. III. *Vide* order sheet 11th August 1936.

Under Section 40(2) (b) of the Guardian and Wards Regulation.

The opponent abovenamed begs to state as follows:—

1. Saradamba, the opponent's first daughter referred to in the petitioner's application has ceased to be a minor. She is now a major. She has been living with her husband Mr. M. Gurumurthy of Voody.

2. The said Saradamba was born on 10th April 1918 and the certificate of Birth from the Civil and Military Station Municipality is produced herewith.

3. The opponent submits that the present proceedings do not any longer become applicable to the said Saradamba, who has since become a major.

Wherefore the opponent prays that the present proceedings are not continued so far as they relate to F. D. R. No. 43—454, dated 5th November 1934, for Rs. 15,000 standing in the name of the said Saradamba.

The said F. D. Receipt has been handed to over the said Saradamba as per written acknowledgment herewith produced.

BANGALORE CITY, *Dated 10th August 1936.*

Left thumb mark of Lakshmamma, *Opponent.*

(Sd.) M. KRISHNA MURTHY, *Advocate for Opponent.* 5

Verification.

I, the opponent abovenamed to hereby declare that w
to the best of my knowledge.

BANGALORE CITY, *Dated 10th August 1936.* 10

Exhibit P123.

Objection statement filed by the petitioner on 15t
opponent's application in Mis. No. 67—35-36, on the fil
Bangalore. 15

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

MIS. No. 67 OF 1935-36.

Petitioner.		*Opponent.*
K. M. Narayana Reddy.	*Vs.*	Lakshmamma.

20

The petitioner files the following objections to the opponent's application under Section 40, Cl. 2(*b*) under the Guardian and Wards Regulation :—

1. The petitioner does not admit that Saradamma has become a major. To the best of the information of the petitioner she is still a minor and the certificate of birth may relate to another daughter who the petitioner understands was born. 25

2. The petition is another ruse to take away the money and flitter the same.

3. It is not true that the said Saradamma is living with her husband. Both she and her husband are living with the opponent.

4. Besides, under the Will of the deceased Muninanjappa, Saradamma has 30 only a life interest in the deposit and it does not lie in the mouth of the opponent to state that the money belongs to Saradamma when the sole title to Saradamma's right is the Will which she has characterised as non-genuine.

5. The petition is also not maintainable under the provision of the law quoted. 35

6. Wherefore the same may be dismissed with costs.

BANGALORE, *Dated 15th August 1936.*

(Sd.) K. M. NARAYANA REDDY *Petitioner.*

(Sd.) S. K. VENKATARANGA IYENGAR, *Counsel for the Petitioner.* 40

I, the petitioner abovenamed, do hereby solemnly declare that what is stated above is true to the best of my knowledge, information and belief.

BANGALORE, *Dated 15th August 1936.*

(Sd.) K. M. NARAYANA REDDY, *Petitioner.*

Exhibit P124. 45

Application, dated 1st November 1937, filed by the opponent in Mis. 67—35-36, on the file of the District Judge, Bangalore.

I. A. No. 5. For orders *vide* order sheet, dated 1st November 1937.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

MIS. CASE NO. 67 OF 1935-36.

Petitioner. *Opponent.*

5 K. M. Narayana Reddy. *Vs.* Lakshmamma.

Under Sections 11, 33 and 49 of the Guardian aad Wards Regulation V of 1912.

For the reasons stated in the accompanying affidavit opponent prays that this Hon'ble Court may be pleased to pass orders permitting that she may draw the accumulated interest on the fixed Deposit amounts in the names of the minors, 10 excepting Saradamma or such portion of the interest as this Hon'ble Court thinks fit, and utilise the amount so drawn for the maintenance of the minors.

BANGALORE CITY,
Dated 1st November 1937.

Left thumb mark of Lakshmamma,
Opponent.

(Sd.) M. KRISHNA MURTHI,
15 *Advocate for Opponent.*

Verification.

I, the opponent abovenamed do hereby declare that what is stated above is true to the best of my knowledge and belief.

BANGALORE CITY,
20 *Dated 1st November 1937.*

Left thumb mark of Lakshmamma,
Opponent.

Exhibit P125.

Opponent's application, dated 27th January 1938 filed in Mis. Case No. 67 of 1935-36 on the file of the District Judge, Bangalore.

By Advocate's clerk.
25 Re. 0-12-0.
(Id.) V. L. R.,
27-1-38.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

30 MIS. CASE NO. 67 OF 1935-36.

Petitioner. *Opponent.*

K. M. Narayana Reddy *Vs.* Lakshmamma.

Under Section 11 of the Guardian and Wards Regulation.

Opponent Lakshmamma above named begs to submit as follows:—

35 1. The above case has been posted for orders *re* the payment of moneys for the maintenance of the minors both for the past and the future.

2. The minors—two girls and five boys are under the care and protection of this opponent. The opponent finds it impossible to continue maintaining the minors befitting their status in life. Owing to the fact that she cannot command 40 credit any longer with private bankers as she used to hitherto and also to the fact that the petitioner has been in possession of all family properties, to the exclusion of this opponent and the minors, all sources of helping herself against the present situation are become closed to this opponent.

3. The opponent is in urgent need of Rs. 4,000 to pay her creditors, the 45 moneys borrowed hitherto for maintaining the minors and also for meeting the current expenses of the minors.

Wherefore the opponent prays that she may be permitted to apply to the Mysore Bank, Ltd., for a loan of Rs. 4,000 primarily on her own responsibility and secondarily on the responsibility of the minors and utilise the amount for the use of the 50 minors.

Bangalore City,
Dated 27th January 1938.

L. T. mark of Lakshmamma.
Opponent.

(Sd.) M. Krishna Murthi.
Advocate for opponent.

VERIFICATION.

I, the opponent abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

Bangalore City,
Dated 27th January 1938.

L. T. mark of Lakshmamma,
Opponent. 5

Exhibit P126.

Application filed by the 1st opponent on 17th May 1938 in Mis. Case No. 67 of 1935-36 on the file of the District Judge, Shimoga.

By Advocate's clerk with an acknowledgment.

Stamp 0-12-0. 10
(Id.) V. L. R.,
17-5-38.
I. A. 6—25 - 5.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE. 15

MIS. CASE No. 67 OF 1935-36.

Petitioner: *Opponents*:

K. M. Narayana Reddi. *Vs.* Lakshmamma and others.

Under Section 11 of the Guardians and Wards Regulation No. V of 1911.

Opponent No. 1 abovenamed begs to submit as follows :— 20

1. On 2nd April 1938 this Hon'ble Court was pleased to order that Rs. 2,893-9-0 be paid to Opponent No. 1 from the interest accumulated on the Fixed Deposits in the names of the minors in the Mysore Bank except Saradamma.

2. At the instance of the petitioner a temporary injunction order was passed on or about 10th November 1935 directing the Mysore Bank not to make payment 25 of interest to Opponent No. 1. The proceedings have continued subsequent to the said order, the petitioner does not seem to have applied for the renewals of the Fixed Deposits after the expiry of the period originally fived. Consequently there is no accumulation of interest to the extent of Rs. 2,893-9-0.

3. The accumulated interest in the Bank on the Fixed Deposits for ready 30 payment was found to be only Rs. 631 which sum was received by Opponent No. 1 on or about 5th April 1938.

4. Giving credit to the said Rs. 631 there is still due to Opponent No. 1 Rs. 2,300 approximately. This amount of Rs. 2,300 is payable to Opponent No. 1 by the petitioner on account of his wrongful conduct in obtaining the injunction on 35 false and untenable pleas.

5. The Fixed Deposits have got to be renewed under the directions unless it be that the petitioner is prepared to hold himself liable for the further losses arising out of the the non-renewal of the deposits, as he is liable for the losses that have accrued hitherto. 40

6. There being no interest accruing on the Fixed Deposits, from month to month, the monthly payment of Rs. 125 also could not be had from the Bank.

Wherefore Opponent No. 1 prays that the petitioner be called upon (i) to pay opponent No. 1 Rs. 2,300 the balance amount due from his own moneys; (ii) to obtain Court Orders for the Fixed Deposits 45

Fixed Deposit No. 1. 43—449.
2. 43—450.
3. 43—451.
4. 43—452.
5. 43—453. 50
6. 43—455.
7. 43—456.

(Id.) V. A.,
Advocate,
26-5-36. 55

being renewed, (iii) to arrange for the monthly payment of Rs. 125 out of petitioner's own moneys.

Bangalore City, Left Thumb Mark of Lakshmamma,
Dated 17th May 1938. *Opponent No. 1.*

5 (Sd.) M. Krishna Murthy,
(Sd.) V. Amruthamma,
Advocates for Opponent.

VERIFICATION.

I, the Opponent No. 1 abovenamed do hereby declare that what is stated above
10 is true to the best of my knowledge.

Bangalore City, Left Thumb Mark of Lakshmamma,
Dated 17th May 1938. *Opponent No. 1.*

Exhibit P127.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

15 MIS. CASE NO. 67 OF 1935-36.

Petitioner: *Opponent*:
K. M. Narayana Reddy. *Vs.* Lakshmamma.

Under Section 11 of the Guardian and Wards Regulation No. V of 1911.

Opponent No. 1 abovenamed begs to state as follows:—

20 1. This opponent has filed on 17th May 1938, I. A. No. 6 praying for—
(i) payment of Rs. 2,300-0-0 to her;
(ii) the renewal of the fixed deposits;
(iii) for regular payment of Rs. 125 monthly.

2. In pursuance of the orders passed on 9th July 1938, all the seven fixed
25 deposits of the minors have been renewed for one year from 18th July 1938 and the renewed fixed deposits are now with this opponent. The question of renewal does not therefore arise for any further consideration.

3. On the renewal being effected, there was a sum of Rs. 1,621-8-0 received by the opponent from the Bank. Taking into account Rs. 631 received on or
30 about 5th April 1938, as already submitted to the Court, a total sum of Rs. 2,252½ only has in all been received by the opponent till now.

4. According to the Court Order, dated 2nd April 1938, the sum due to the maintenance of the minors from 16th November 1935 to 2nd April 1938 is Rs. 2,893-9-0 giving credit to Rs. 2,252-8-0, referred to in para 3 above, there is
35 found a balance of Rs. 641-1-0 still due to this opponent, in addition to the monthly payment of Rs. 125 from 2nd April 1938. No moneys have been received towards the current maintenance. From 2nd April 1938 to 2nd August 1938, *i.e.*, for four months, the sum due is Rs. 500. There is thus a sum of Rs. 641-1-0 due for the balance of the maintenance due prior to 2nd April 1938 *plus* the accumu-
40 lated sum of Rs. 500 for four months upto 2nd August 1938. The total sum thus recoverable by the opponent is Rs. 1,141-1-0. Excepting the fixed deposit amounts, there are no moneys available in the Bank to the credit of the minors. The interest accumulated on the fixed deposits for the unrenewed period calculated at one per cent per annum has been fully paid to the opponent by the Bank
45 as submitted above. The letter of the Bank to the opponent showing details of Rs. 1,621-8-0 has been filed in Court on 22nd July 1938.

5. The question for immediate consideration relates to the payment of Rs. 1,141-1-0 referred to in para 4 above, from which funds is this demand to be met with? The petitioner being entirely responsible should he not be held per-
50 sonally liable for immediate payment of this amount?

6. Regards the monthly Rs. 125 from 2nd August 1938, there is some difficulty to be over come. The interest on the renewed fixed deposits is not payable monthly but payable half-yearly at 2½ per cent per annum from 18th July 1938, till 18th January 1939, the half-yearly interest cannot be drawn. How to find
55 money for the current monthly expenditure is the next point for solution? Till 18th January 1939, the date of the receipt of half-yearly interest the total amount

required for the maintenance of the minors at Rs. 125 a month from 2nd August 1938, *i.e.*, for a period of 5½ months would be Rs. 687½. The half-yearly (Here is the left thumb mark of Lakshmamma), yearly interest on the fixed deposits that would be received on 18th January 1939 will be Rs. 750.

7. The present situation as it is, is mainly due to the conduct of the petitioner. He claims to be the manager and head of the family and also one of the executors under the disputed Will. He has been in exclusive possession and enjoyment of the entire family properties. It is but just and proper that the petitioner is called upon to deposit immediately in court Rs. 1,141-1-0 referred to in para 4 and also Rs. 125 every month till 18th January 1939 for payment to the opponent.

8. There is another question of greater importance to be decided. On account of the non-renewal of the fixed deposits after the petitioner started the present proceedings and obtained ex parte prohibitory orders against this opponent, the interest on the deposits ceased and the seven minors have lost a sum of Rs. 3,243 in all. If the deposits had been renewed by the petitioner along with the obtaining of the prohibitory orders, the fixed deposits would have yielded three per cent per annum, whereas the Bank has allowed only one per cent interest on the non-renewed deposits, in accordance with the Bank rules. The petitioner has necessarily to make good this amount of Rs. 3,243 loss to the minors. This opponent prays that the petitioner be directed to make good this loss forthwith.

9. The petitioner is further liable to this opponent as well as to the quandom minor Sri Saradamma for the lossess occasioned to them by the petitioner obtaining prohibitory orders regarding their fixed deposits of Rs. 15,000 and Rs. 10,000 respectively and for not obtaining court orders for renewal of deposits. The loss thus occasioned is a sum of Rs. 900 subject to further calculations. This sum of Rs. 900 the petitioner has to deposit in court for payment to Saradamma and the opponent Lakshmamma. Just as he has to deposit Rs. 3,243 in the case of the present minors.

10. Regarding the other losses and damages suffered by the petitioner and the minors on account of the petitioner's wrongful conduct, the opponent begs leave to submit her grievances on behalf of the minors in the course of the proceedings. The present proceedings have already cost the petitioner nearly Rs. 1,000. The points for immediate consideration and decision are thus:—

(i) The ways and means to find Rs. 1,141-1-0 for immediate payment to the opponent as stated in para 5 above.

(ii) The ways and means of the payment of Rs. 125 a month till 18th January 1939, *i.e.*, till the half-yearly interest on the renewed fixed deposit is received by this opponent.

(iii) The petitioner's liability to make good the losses of Rs. 3,243 to the present seven minors as stated in para 8 above and also the loss of Rs. 900 caused to the opponent and the said Saradamma, till the prohibitory orders were withdrawn.

It is essential in the interests of minors that immediate orders are passed on the above points and that the future course to be adopted in the present proceedings be determined, as there has been a deliberate prolongation of the case on the part of the petitioner with ulterior motives. In point of fact, under the guise of guardianship proceedings of a summary nature, this Honourable Court's opinion is invited on the genuineness and validity of the Will propounded by the petitioner and disputed by this opponent.

This opponent undertakes not to deal with any of the deposits in the Bank, *without the express written orders of this Honourable Court.*

One of the minors Kodandarama Reddy will become a major in two or three months.

The genuineness and validity of the alleged Will is in dispute in O. S. No. 11 of 37-38 on the file of this Honourable Court and also in several suits in Civil and Military Station Courts. Under these circumstances it is essential to determine in the interests of the minors whether the present proceedings should still continue.

BANGALORE CITY.
Dated 29th July 1938.

Here is the left thumb mark of Lakshmamma,
Opponent.

(Sd.) M. Krishna Murthy, Advocate for Opponent.

Verification.

I, the opponent abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

BANGALORE CITY,
Dated 29th July 1938.

Here is the left thumb mark of Lakshmamma,
Opponent.

Exhibit P128.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

MIS. CASE No. 67 OF 1935-36.

Petitioner: K. M. Narayana Reddy. *Vs.* *Opponent*: Lakshmamma.

1. A. No. VIII For Orders
Vide Order Sheet.
12-8-38.

Under Section 151 of the Code of Civil Procedure.

For the reasons stated in the accompanying affidavit the opponent abovenamed prays that the case may be advanced from 6th September 1938 to an early date for further proceedings.

BANGALORE CITY,
Dated 8th August 1938.

(Sd.) M. KRISHNA MURTHY,
Advocate for Opponent.

Exhibit P128(a).

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

MIS. CASE No. 67 OF 35-36.

Petitioner: K. M. Narayana Reddy. *Vs.* *Opponent*: Lakshmamma.

Opponent Lakshmamma's affidavit.

I, Lakshmamma, aged about 52, Reddy by caste, wife of late Contractor K. Muninanjappa, residing at 13-G. No. V Street, Ulsoor, Civil and Military Station, Bangalore, swear to the following facts :—

1. The petitioner is my eldest son. I am mother of nine children. Seven of the children are minors still.

2. There is a sum of Rs. 85,000 in fixed deposits in the Bank of Mysore in the names of myself and my eight children separately.

3. These amounts are of myself and my children. No one else has any right over these moneys. It was noted in the Bank records even during the life time of my husband, that only either my husband or myself as guardian could deal with the said deposits on behalf of the minor children.

4. My husband died on 8th January 1935. Even after his death I was myself dealing uninterrupted on behalf of myself and my children, with the Bank in connection with my moneys of my minor children.

5. Though this was so in the month of November 1935 or there about all of a sudden a notice was issued by this Hon'ble Court stating that I should not deal in any way with the said deposit amounts. On making enquiries I came to know that my first son had filed an application praying that he may be appointed a guardian along with me in respect of moneys of the minors and that he had obtained the prohibitory order against me.

6. I obtained a copy of the application from the Court and after going through it, I found mentioned in it that my husband had executed a Will and that a true copy of it had been filed in Court along with the application. I got an application filed for a copy of the Will. It was endorsed on my copy application that no copy of the Will was produced. I have produced to this Court a copy of that application which bears the original endorsement.

7. Though I again and again pressed through the Court the Will was not produced to the Court either by my son or by his lawyer till 4th March 1937. Besides even before this, when my son told me about a Will I demanded for the

same through a registered notice of a lawyer on about 17th July 1935 alone. The petitioner did not produce whether the Will or a copy of it in response of my demand. On the pretext that it was in the possession of his lawyer he did not bring to light the Will till 4th March 1937.

8. I emphatically say that the said Will is not a genuine one. Some people have combined together and have concocted the said alleged Will with a desire to fraudulently get at our property. I am prepared to prove by adducing proper and sufficient evidence that this is a fraudulent act.

9. Whatever may be the nature of the Will, the executor of the Will had through Will no right to dispose of in whatever manner the monies in Bank belonging to others. Will is not maintainable according to law.

10. With an intent to entangle me in troubles and to satisfy his evil desire by somehow or other, my son who is the petitioner has filed the present case as also O. S. 11—37-38 on the file of this Court and has obtained the order from Court, thereby prevented me not only from getting even my own money but also he is trying to prolong the Court proceedings by getting adjournments for some reason or other and giving me trouble and causing me loss in several ways. He has also been threatening me by telling me frequently that he has been making arrangements to see that the proceedings in Court are dragged on for years. To my misfortune the proceedings in Court are also increasing day by day.

11. My son Narayana Reddy who is the applicant has fallen into evil ways. Being yet a youth who is proud of his wealth and who has the influence of his evil advocates, he has been behaving in a way which affects his interest and his own safety. On the pretext that he is the manager of the family, he is unlawfully controlling all our transactions, which are worth about 4 - 5 lakhs. He has been putting me to fear by saying that the proceedings in the Bank and in Court would be as he likes.

12. I have no money whatever with me. I have been till now carrying on the family affairs honourably by borrowing sums from others. I am disabled even to meet the necessary expenses of the minor children. Even though I have obtained orders from the Court that I can draw money from the Bank for the past and present expenses of living of the minors, it has been of no use. Everyday there has been trouble for the safety of the seven minor children.

13. It is certain that the minors will be exposed to great trouble by the fraudulent dealings of the applicant, if the applications which I have filed in this connection, are not disposed of by the Court immediately.

14. It is nearly nine months since the said case O. S. 11—37-38 was instituted and though there is the Court order preventing me from drawing my own money from the Bank, the plaintiff Narayana Reddy is obtaining adjournments even without giving the Court an opportunity to decide the points at issue.

15. I swear that urgent orders of the Court before 6th September 1938 on my previous applications, is absolutely necessary for the safety of the minors and in the interests of Justice.

Bangalore City.
8-8-1938.

Left thumb mark of Lakshmamma,
Opponent.

Thumb impression affixed.
Sworn to before me,

(Sd.) V. GUNDAPPA,
Sheristedar,
Small Cause Court,
Bangalore.
8-8-38.

Identified by me.

(Sd.) B. N. SUBBIAH,
Clerk of Mr. M. K. Murthy,
Advocate for opponent.

Seal of the Court of Small Causes, Bangalore.

Exhibit P129.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

MISCELLANEOUS CASE No. 67 OF 1935-36.

Petitioner.	*Vs.*	*Opponent.*
K. M. Narayana Reddy.		Lakshmamma.

AFFIDAVIT.

I, Lakshmamma, wife of Muninanjappa, aged about 52 years, Reddy by caste, residing in house No. 13 G. Fifth Street, Ulsoor, Civil, and Military Station, Bangalore, swear as follows:—

(1) I have been appearing on every date of hearing of the abovesaid case and have been understanding the proceedings of the court as far as is possible for me.

(2) I beg leave of the court to express my opinion on one point submitted to the court by the advocate for the applicant on 20th October 1938, *i.e.*, yesterday.

(3) The advocate for the applicant made a submission to the court that as I am an uneducated woman proper security may be taken from the petitioner and that he may be appointed guardian of the minors. The advocate for the petitioner pointed out to the court that this suggestion put forth by him was at first accepted by my advocate and was later disapproved.

(4) It was not proper on the part of the advocate for the petitioner to submit the abovesaid fact to the court. It is my belief that with some evil intent the petitioner has made this representation to the court through his advocate.

(5) I, the mother of the petitioner, affirm that the petitioner's nature is a bad one. The petitioner has been plotting day and night to knock off my minor children's property. He is not wanting in for the support of his evil motive—I have even fear of my life from him.

(6) From the beginning I have been telling my advocate that he should only accept the decision of the court and should never agree to any settlement that may be arrived at out of court. My advocate did not agree as was submitted to the court by the petitioner's advocate yesterday. It is my opinion that neither I nor my advocate has any power to agree to any such thing. The matter in dispute relates to a sum of Rs. 65,000 belonging to the minors. Though the minors were born from my womb the decision regarding their future prospects rests only with the Court and with none else. Others can only give their suggestions to the Court; but the decision rests with the Court. The minor childern are the children of the court. As far as the court proceedings are concerned I have nothing to do with them as their mother.

(7) From the experience I have gained since the death of my husband, I am not in a position to trust anybody. For having believed the lawyer S. K. Venkataranga Iyengar, we are about to lose all our property. Knowing full well and submitting a thing which he knows to be false, the said lawyer is conducting the present case through the petitioner. The litigation is growing beyond the control of any one person. Already there has been a loss of thousands of rupees from out of the property. By the way the petitioner has chosen to adopt, the minors are not likely to get anything more than only the amounts now in deposit. The responsibility of securing these deposits to the minors rests with the Court.

(8) If the applicant should get even the slightest authority over the minors' money, he will certainly see that minors do not get anything out of their money. It is my humble prayer that the Court should make necessary arrangements to see that there is no connection between the minors' properties and the petitioner.

(9) I swear again and again to the fact that the paper produced in the case and said to have been the so called Will is not genuine even in the least. The said "Will" was not got written by my husband. It is concocted by the efforts of lawyer S. K. Venkataranga Iyengar and of the petitioner. With the object of knocking off Rs. 30,000 belonging to the family on the pretext of a Will the said lawyer S. K. Venkataranga Iyengar the petitioner and one M. Venkataswami have got up the Will. This becomes quite evident from the endorsements made by the petitioner on Government bonds. Fortunately those bonds have come into my possession. I have brought them now to show them to the Court. If permitted

I shall produce them before Court now. The Will now in question is the result of the efforts made to deprive us of this thirty thousand rupees as the court deposit of Rs. 85,000 in addition.

(10) I am a mother of nine children. Out of them only the present petitioner and Saradamma are majors. My other son Kodanda Ramu's minority period expires within a week or two. Six children are yet minors. The Hon'ble Court may be pleased to see that the petitioner is not at all given any authority over the property of my minor childern and the minors be permitted to grow up justly and honourably as the same rests on court. The main point is that the minors are the children of the Court. This is all my humble submission.

Left thumb mark of Lakshmamma,
Opponent.

Bang
21-10-38.

Sworn to before me,
(Sd.) V. L. RANGANATHA RAO,
Sheristedar,
District and Sessions Court,
Bangalore City.
21-10-38.

Identified by
B. N. Subbiah,
Clerk.

Exhibit P130.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE AT BANGALORE.

B. S. C. No. 30 OF 1939-40.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

MIS. No. 67 OF 1935-36.

Petitioner.	*Vs.*	*Opponent.*
K. M. Narayana Reddy.		Lakshmamma

In the matter of the guardianship of the Mysore Fixed Deposits in the names of Kodandarama Reddy and others.

Applicant:—K. M. Kodandarama Reddy in his 19th year, son of K. Muninanjappa, S. S. L. C. Student, 163, Gandhinagar, Bangalore City.

Under Sections 40(2) b and 3 & 48 of the Guardian and Wards Act.

The applicant K. M. Kodandarama Reddy abovenamed begs to state as follows:—

1. The applicant completed his 18th year on 18th November 1938. Being now in his 19th year, he is no longer a minor.

2. The Civil & Military Station Municipality certificate with an affidavit showing the date of the applicant's birth has been filed by his mother, the opponent Lakshmamma, in the present proceedings with her petition presented this day intimating to the court that the applicant has been a major and that the applicant need no longer be subjected to proceedings of the kind in question.

3. The applicant has received the F. D. Receipt No. 43/364 of the Mysore Bank, Ltd., for Rupees Ten thousand from his mother the said Lakshmamma.

4. On the basis of false and untrue allegations, the petitioner Narayana Reddy has started the present guardianship proceedings to the detriment of the welfare of the minors. The will referred to by the petitioner in the proceedings is a false document invalid in law. The applicant earnestly prays that the alleged will propounded by the petitioner be ignored in determining the questions *re* the necessity for the initiation of the present proceedings by the petitioner and the appointment of the guardian for the minors and their properties other than the minors' mother, the opponent in the case.

5. Even when the minors' father was alive, the moneys belonging to the minors were deposited in the Mysore Bank under the guardianship of himself or his wife, the opponent. For nearly a year after the minors' father's death the opponent Lakshmamma carefully preserved the minors' fixed deposit amounts till the petitioner Narayana Reddy started the present proceedings causing thereby considerable lossess to the minors in diverse ways.

6. The petitioner's wrongful conduct has needlessly exposed the applicant and the minors to protracted court proceedings involving considerable expenditure and has also caused them the loss of interest on the Bank deposits. The petitioner is consequently liable to pay the applicant the costs of these proceedings and also to make good the loss of interest to the applicant in a sum of over Rupees 500.

7. The applicant does not recognise that the petitioner is the manager of the family as he seems to claim or that he has been acting on behalf of the family in any of his transactions. The petitioner's conduct has been throughout adverse to the minors' interests. The petitioner has been in exclusive and wrongful possession of the family properties and is liable to the other members of the family for his persistent wrongful course of conduct. He is unfit to faithfully perform any duties towards the minors.

8. In the interests of the welfare of the minors the applicant may be permitted to submit that the opponent may be allowed to continue as the guardian of the minors and their fixed deposit amounts. If at all any change be found essential for further safeguarding minors' interests, the applicant may be appointed a joint guardian along with his mother. The Principal amounts may be deposited in Mysore Government Treasury Savings Bank separately in the individual names of the minors, the guardian or guardians appointed not being empowered to withdraw the principal amounts during the minority of the boys and girls and the guardian being authorised only to draw the interest on the amount deposited and utilising the same for the maintenance and education of the minors. The property being moneys in the form of Bank deposits there is very little care and attention required for protecting minors' interests.

9. The applicant ventures to submit in emphatic terms that it would be highly detrimental to the welfare of the minors, to allow the petitioner to exercise any the least control over the minors' moneys especially in the face of the petitioner's false claim that under an alleged Will he is entitled to a double share in the family properties. The will alleged is a fabricated document brought into existence by a set of unscrupulous persons.

Wherefore the applicant prays that—

(1) The present proceedings against him be dropped and the prohibitory order now in force be withdrawn.

(2) The petitioner be directed to pay the applicant the costs of the proceedings and also make good losses to the extent of Rupees 500.

(3) If at all any change in the existing guardianship be found necessary to further safeguard the interest of the minors, the applicant be appointed guardian along with the present opponent.

(4) At all events the petitioner be not given any the least sort of control over the minors' moneys.

(Sd.) K. M. KODANDARAMA REDDY,
Applicant.
22-11-38.

Bangalore City,
Dated, 21st—22nd November 1938.
(Sd.) M. Krishna Murthy,
Advocate for Applicant.

Verification.

I, the applicant abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

(Sd.) K. M. KODANDARAMA REDDY,
Applicant.
22-11-38.

Bangalore City,
Dated, 21st—22nd November 1938.

Exhibit P 131.

IN THE COURT OF BANGALORE SESSIONS CASE No. 30 OF 1939-40.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Mis. Case No. 67 of 35-36.

Petitioner: Opponent: 5

K. M. Narayana Reddy. *Vs.* Lakshmamma.

Opponent's objections to Petitioner's application, dated 28th November 1938, for striking out certain allegations in opponent's affidavit, dated 21st November 1938.

1. The allegations made in her affidavit, dated 21st November 1938 by the 10 opponent, *re* the petitioner and Messrs. Venkataranga Iyengar and Venkatasamy are quite necessary and material; they are true and very relevant for the elucidation of the contents of the Will set up by the petitioner.

2. The petitioner claims to be an executor under the Will in controversy and as an alleged testamentary guardian the petitioner has started the present proceed- 15 ings in this Hon'ble Court. Inspite of the opponent's submission to the court that the petitioner ought to obtain probate of the Will before the status claimed by him is recognised, the petitioner has been persistently insisting upon evidence being taken and the genuineness and validity of the Will being decided in these proceedings. (*Vide* para 14 of the petitioner's objection statement, dated 6th 20 August 1938). The genuineness of the Will in question having been pointedly raised in the controversy by the petitioner and lengthy arguments having been addressed on behalf of the petitioner *re* the merits of the Will, the opponent found it essential in the interests of the minors to state in the form of affidavit in these summary proceedings how the Will is the outcome of fraudulent conspiracy on the 25 part of the petitioner. Messrs. Venkataranga Iyengar and Venkatasami.

3. The fraud practised by the petitioner and the said Mr. Venkataranga Iyengar for snatching away an ex parte order from court, prohibiting the opponent from exercising her rights as natural guardian of the minors, fixed deposits appointed by her husband during his life time and the protraction of the present proceedings 30 by the petitioner can by no means be overlooked. There is no explanation offered till now either by the petitioner or the said Mr. Venkataranga Iyengar *re* the false statement in the affidavit filed for obtaining the prohibitory order, dated 16th November 1935, namely that a true copy of the Will was filed in court. Even the date of the alleged Will was not disclosed by the petitioner in his petition or 35 affidavit. Though the said Mr. Venkataranga Iyengar was the sole custodian of the Will, he did not produce it in Court till 4th March 1937, for the reasons best known to him. According to the Will, the said petitioner, Messrs. Venkataranga Iyengar and Venkatasamy are trustees empowered to handle Rs. 30,000 belonging to the estate of the deceased Muninanjappa. The opponent reiterated that the 40 Will is a concocted document brought into existence mainly by the aforesaid three persons. As such however scandalour might be, according to the petitioner's estimate, the allegations in the opponent's affidavit, dated 21st October 1938, the same have necessarily to be placed before this Hon'ble Court for judging aright the bearing of the conjoint activities of the aforesaid three persons over the legal status 45 of the petitioner with reference to the minor's fixed deposits.

4. To the best of the opponent's knowledge no copy of the alleged Will has been forwarded on 23rd September 1935 or on any other day as alleged by the petitioner in his affidavit filed in court on 28th November 1938. Neither has the opponent been served with any letters from the alleged co-trustee in the matter of 50 Rs. 30,000 Government bonds.

5. The opponent is prepared to demonstrate by unimpeachable evidence the concocted nature of the Will produced in court by Mr. S. K. Venkataranga Iyengar on 4th March 1937.

6. In the face of the stern facts set out above, the petitioner's application 55 filed under Order VI, Rule 16 of Code of Civil Procedure is liable to be dismissed with costs. Further it is necessary in the interests of the administration of justice

that Mr. S. K. Venkataranga Iyengar is called upon to explain the trick played by him on court on 16th November 1935.

Wherefore the opponent prays that the application under consideration be dismissed with costs.

5 Bangalore City, L. T. Mark of Lakshmamma.
Dated 29th November 1938. Opponent.

(Sd.) M. KRISHNA MURTHY,
Advocate for the Opponent.

Verification.

10 I, the opponent abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

Bangalore City, L. T. Mark of Lakshmamma.
Dated 29th November 1938. Opponent.

Exhibit P132.

15 IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. No. 11 OF 1937-38.

Plaintiff—K. M. Narayana Reddy, son of K. Muninanjappa, aged 25 years Reddy by caste, Contractor, residing at 22, Cambridge Road, Bangalore.

20 *Vs.*

Defendants—(1) Lakshmamma, wife of K. Muninanjappa, age 50, Reddy by caste, occupation nil, residing at 13-G. No. V St., Ulsoor, C. & M. Station, Bangalore; (2) Saradamma, daughter of K. Muninanjappa, aged about 18 years, Reddy by caste, occupation
25 nil, residing at 13-G. No. V Street, Ulsoor, C. & M. Station, Bangalore.

Plaint under Order VII Rule 1 of the Code of Civil Procedu

1. The address of the plaintiff for the purpose of the suit is as given above.

2. The plaintiff is the first son of Muninanjappa, who was residing at Ulsoor,
30 Civil and Military Station, Bangalore, and who died on or about 8th January 1935. Defendant 1 is his widow and defendant 2 is his daughter who had been married before Muninanjappa's death.

3. The said Muninanjappa owned moveable and immoveable properties of considerable value both in the Civil and Military Station, Bangalore and in Banga-
35 lore City. Among other properties he was the proprietor of the following Fixed Deposits in the Bank of Mysore, Ltd., Bangalore City :—

(*i*) A fixed deposit of Rs. 10,000 evidenced by F. D. R. No. 43/457, dated 5th November 1934, in the name of defendant No. 1 payable after one year.

40 (*ii*) A fixed deposit of Rs. 15,000 evidenced by F. D. R. No. 43/454, dated 5th November 1934 in the name of Defendant 2 payable to her/their guardians Muninanjappa himself and defendant 1 either or survivor one year after date.

iii) Fixed Deposit of the amounts of the above deposits belonged to Muni-
45 nanjappa himself and he made the said deposits in accordance with his long practice nominally in the names of defendants 1, 2, 3 and 4, without the slightest intention of divesting himself of the right to the amounts so deposited. Muninanjappa therefore, continued to be the owner and was solely entitled to the said two deposits till his death
50 and had full powers of disposition on the same.

4. On 5th January 1935, Muninanjappa executed a Will which has been produced in Mis. 67 of 35-36 of this Court and which among other things provides (1) that out of the Fixed Deposit of Rs. 10,000 in the name of defendant 1 she shall be absolutely entitled only to Rs. 2,000 that she shall have merely a life interest in
55 the balance of Rs. 8,000 and that after her death the corpus of Rs. 8,000 shall pass

to the testator's unmaried daughters Minakshamma and Komalamma in equal shares; (2) that out of the Fixed Deposit of Rs. 15,000 in the name of defendant 2, Rs. 5,000 shall be paid to her husband Gurumurthappa, that in the balance of Rs. 10,000 she shall take merely a life interest and that on her death the corpus of Rs. 10,000 shall go to her issue and failing her issue to the testator's own heirs. 5

Furthermore a life interest in house No. 24 in Berlie Street, Langford Town, Civil and Military Station, worth Rs. 10,000 which was the property of the testator is bequeathed to Defendant 2 and there are also other similar bequests in favour of defendant 2 in the Will.

5. The plaintiff and defendant 1 are appointed executors under the said Will. It is the duty of the plaintiff and defendant 1 to see that the intentions of the 10 testator as expressed in the aforesaid Will are given effect to. The executors are therefore, entitled and authorised to take possession of the whole of the estate with a view to make suitable arrangements to give effect to the bequest made in the Will. So far as the funds in which merely a life interest is given to defendants 1 and 2 are concerned the executors are entitled and in fact bound to take charge of the 15 same and invest them in proper securities so as on the one hand to ensure a regular income therefrom to the holders of the life estate and on the other to safeguard the interests of the remainder by retaining control over the corpus in their own hands. Since defendant 1 who is one of the executors appointed in the Will is denying the Will and seeking to deal with the Fixed Deposit of Rs. 10,000 standing 20 in her name in a manner inconsistent with the terms of the bequest in her favour taking advantage of the fact that the deposit stands in her name and is colluding with defendant 2 and actively assisting her in her endeavours to deal similarly with the Fixed Deposit of Rs. 15,000 standing in her name, the plaintiff as the only remaining executor is solely entitled and in fact bound to take charge of the funds 25 in deposit and invest them as above.

6. Defendant 2 had no issue on the date of Muninanjappa's death and her first child was born over a year after his death. The remainder in the funds in which only a life interest was bequeathed to her under the Will is, therefore, vested in the plaintiff and his brothers, as the sons and heirs of Muninanjappa the 30 testator.

7. It is further submitted that assuming without admitting that the defendants 1 and 2 were absolutely entitled to the Fixed Deposits in their respective names even in the life time of Muninanjappa and that he could have no power of disposition on the same yet in view of the fact that there are other bequests in their 35 favour of defendant 2 she precluded by the doctrine of election from claiming an absolute right to the deposits unless she relinquishes her claims to the other bequests. Defendant 1 has acquired in the bequests and is precluded from granting the same. In this view also it is submitted that the bequests in respect of the said deposits ought to be upheld and that as explained in para 6 above the plaintiff is 40 entitled to see that proper effect is given to the said bequests.

8. Apart from the Will of Muninanjappa above referred to the defendants could have no right whatever to the amounts of the Fixed Deposits which nominally stood in their names and belonged wholly to Muninanjappa. Even if the Will in question did not exist, the plaintiff has a right to the deposits in question as his 45 father's heir (along with his brothers) and as the eldest male member of the family and its manager, the plaintiff is entitled to draw the Fixed Deposit amounts and the defendants have no right to do so.

9. As the Fixed Deposit amounts which form the subject matter of the suit are in the Bank of Mysore and not in the hands of defendants 1 and 2, the plaintiff 50 is not in a position to ask for any relief from the said defendants beyond a bare declaration in regard to the deposits and hence the suit is brought merely for declaration in regard to the deposits and hence the suit is brought merely for declaration decree.

10. The cause of action for the suit arose in Bangalore City within the juris- 55 diction of this Court on or about 25th September 1937 when the attempts of Defendants 1 and 2 to draw the Fixed Deposit amounts in question in assertion of these alleged rights became known to the plaintiff.

11. The value of the suit for purposes of jurisdiction is Rs. 25,000. But since the relief prayed is a declaratory decree a court fee of Rs. 200 is paid on the plaint. 60 Relief by way of injunction is valued at rupees ten and court fee rupee one is paid therefor.

12. The plaintiff prays for decree declaring that the Fixed Deposits numbers, 43/457 and 43/454, dated 5th November 1934 for Rs. 10,000 and Rs. 15,000 standing in the names of defendants 1 and 2, respectively, in the Bank of Mysore, Ltd., belonged to the estate and were the properties of Muninanjappa and are not the sole or obsolute properties of the said defendants, that the defendant 2 is entitled to barely a life interest in Rs. 10,000 standing in her name and no right whatever for the balance and that defendant 1 is entitled to barely a life interest in Rs. 8,000 out of the Fixed Deposit of Rs. 10,000 standing in her name, that the plaintiff is entitled to draw or receive from the Bank of Mysore the amounts of the said deposits and that defendants 1 and 2 have no right or authority to draw or receive the said amounts from the said Bank, restraining the defendants by an injunction from drawing the said deposit amounts; directing defendants 1 and 2 to pay the plaintiff costs of the suit with current interest and granting to plaintiff such other relief as may be appropriate in the nature of the suit.

(Sd.) K. M. Narayana Reddy,
Plaintiff.

BANGALORE,
1st October 1937.

(Sd.) M. P. Somasekhara Rao.

I, the plaintiff abovenamed do hereby declare that what is stated above is true to the best of my knowledge, belief and information.

(Sd.) K. M. Narayana Reddy,
Plaintiff.

BANGALORE,
1st October 1937.

Exhibit P133.

ORDER SHEET.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

ORIGINAL SUIT No. 11 OF 1937-38.

K. M. Narayana Reddy. *Vs.* 1. Lakshmamma. 2. Saradamma.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	1-10-37	Suit praying that a decree declaring that the F. D. No. 43/457, 43/454, dated 5th November 1934 for Rs. 10,000 and Rs. 15,000 standing in the names of defendants 1 and 2, respectively, in the Bank of Mysore, Limited, belonged to the estate and were the properties of Muninanjappa, and are not the sole or absolute properties of the said defendants, that the defendant 2 is entitled to barely a life interest in Rs. 10,000 standing in her name and no right whatever for the balance and that the defendant No. 1 is entitled to barely a life interest in Rs. 8,000 out the F. D. of Rs. 10,000 standing in her name, that the plaintiff is entitled to draw or receive from the Bank of Mysore, the amounts of the said deposits and that the defendants 1 and 2 have no right or authority to draw or receive the said amounts from the Bank, etc., and for costs of the suit. Stamp paid is correct. Issue summons to defendants by 1st November 1937. (Intd.) S. V. 1-10-37.	
	1-10-37 I. A. No. I.	Plaintiff files an application under Order 39, Rule 7, with an affidavit praying that for reasons stated therein, the defendants 1 and 2 be restrained by a temporary injunction from drawing from the Bank of Mysore, Limited, amounts referred to therein and that the Bank be restrained from making payment to the defendants 1 and 2. To hear Mr. M. P. S. on 2nd October 1937. (Intd.) S. V. 1-10-37.	
	2-10-37	Plaintiff by Mr. M. P. S. amends petition with permission of Court. Heard Mr. M. P. S. *Order.*	
	I. A. No. I.	Pending disposal of this application I. A. No. I issue an interim order of temporary injunction restraining defendants 1 and 2 from withdrawing from the Bank of Mysore the fixed deposits referred to in application I. A. No. I. Intimate about this to the Bank of Mysore. Issue notice of I. A. No. I to the defendant to show cause why this interim order should not be made absolute. Adjourned to 8th October 1937. (Intd.) S. V. 2-10-37.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer
	8-10-37	Prohibitory order has been issued to the Bank only. It is not issued to defendants for want of sufficient time. Issue same. As the Judge is on casual leave, adjourned to 1st November 1937. B. O., (Intd.) V. L. R., *Sheristedar.*
	1-11-37	Plaintiff by Mr. M. P. S. Defendants by Mr. M. K. Murthy. Defendants 1 and 2 are served personally. Prohibitory order is served on the Bank of Mysore and also on defendants 1 and 2. Notice of I. A. No. I is not issued for want of stamps. Written statement of defendants 1 and 2 and also objections to I. A. No. I filed—Mr. M. K. Murthy receives to-day a copy of the affidavit filed along with I. A. No. I. For arguments on the question of court fee payable on the plaint and also for reply. Adjourned to 10th November 1937. (Intd.) S. V. 1-11-37.
	10-11-37	Plaintiff's Advocate by Mr. Ramachandra Rao. Defendants by Mr. M. K. Murthy. Arguments on the question of court fee payable on the plaint. Reply filed. Arguments on 11th November 1937. (Intd.) S. V. 10-11-37.
	11-11-37	Plaintiff. Defendant. Adjourned with Mis. 67—35-36, to 12th November 1937. (Intd.) S. V.
	12-11-37	Plaintiff. Defendant. For want of time adjourned to 13th November 1937 (Intd.) S. V. 12-11-37.
	13-11-37	Plaintiff by Mr. M. P. S. Defendant by Mr. M. K. Murthy. Heard arguments. Order on 15th November 1937. (Intd.) S. V. 13-11-37.
	15-11-37	Plaintiff. Defendant. Adjourned with Mis. 67—35-36, to 16th November 1937. (Intd.) S. V. 15-11-37.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	16-11-37	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 19th November 1937. (Intd.) S. V. 16-11-37.	
	19-11-37	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 16th December 1937. (Intd.) S. V. 19-11-37.	
	16-12-37	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 26th January 1938. (Intd.) S. V. 16-12-37.	
	26-1-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 7th February 1938. (Intd.) S. V. 26-1-38.	
	7-2-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 15th March 1938. B. O., (Intd.) V. L. R., *Sheristedar.*	
	15-3-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 22nd March 1938. B. O. (Intd.) V. L. R., *Sheristedar.*	
	22-3-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 30th March 1938. (Intd.) S. V. 22-3-38.	
	30-3-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 2nd April 1938. (Intd.) S. V. 30-3-38.	
	2-4-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 4th July 1938. (Intd.) S. V. 2-4-38.	
	4-7-38	Adjourned to 9th July 1938 as Mis. 67—35-36 is posted to that date. On account of Tumkur Sessions, adjourned to 9th July 1938. B. O., (Intd.) V. L. R., *Sheristedar.*	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer
	9-7-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 14th July 1938. (Intd.) S. V. 9-7-38.
	14-7-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 22nd July 1938. (Intd.) S. V. 14-7-38.
	22-7-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 29th July 1938. (Intd.) S. V. 22-7-38.
	29-7-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 2nd August 1938. (Intd.) S. V. 29-7-38.
	2-8-38	Plaintiff by Mr. M. P. S. Defendants by Mr. M. K. Murthi.
	I. A. No. 2.	Under Section 95 of the C. P. C., the defendants file an application, with affidavit, praying that the Court may be pleased to award against plaintiff full compensation to them for the losses caused to them for the wrongful attachment and prohibitory orders obtained ex parte by the plaintiff. A copy of this application has been served on plaintiff's Advocate. Mr. M. P. S. files an affidavit by way of objection to I. A. No. 2. Bring up on 6th August 1938 with Mis. 67—35-36. (Intd.) S. V. 2-8-38.
	6-8-38	Plaintiff. } Absent. Will be called again. Defendant. } Adjourned to 6th September 1938 along with Mis. 67—35-36. (Intd.) G. P. 6-8-38.
	6-9-38	Plaintiff. Defendant. Adjourned to 10th September 1938 with Mis. 67—35-36. (Intd.) S. V. 6-9-38.
	10-9-38	Plaintiff. Defendant. Adjourned to 19th September 1938 with Mis. 67—35-36. (Intd.) S. V. 10-9-38

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	19-9-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 26th September 1938. (Intd.) S. V. 19-9-38.	
	26-9-38	Plaintiff. Defendant. Adjourned with Mis. 67—35-36 to 27th September 1938. (Intd.) S. V. 26-9-38.	
	27-9-38	Plaintiff by Mr. M. P. S. Defendant by Mr. M. K. Murth Court is engaged in B. Sc. 1—38-39 and there is not time to hear arguments in this case. Mr. M. Krishna Murthi submits that out of Rs. 10,000 covered by F. D. R. No. 43—457, dated 5th November 1934, standing in the name of defendant No. 1 Lakshmamma a sum of Rs. 2,000 may be released from temporary injunction as even according to the allegations defendant No. 1 is absolutely entitled to that sum of Rs. 2,000 even according to plaint allegations, without prejudice to the other contentions in this case. Mr. M. P. S. has no objection, without prejudice to his other contentions in this case. A sum of Rs. 2,000 in the Fixed Deposit referred to above is released from temporary injunction. Intimate the Mysore Bank accordingly. For arguments on the other contentions adjourned to 12th October 1938. (Intd.) S. V. 27-9-38.	(Intd.) M. P. S. R. for plaintiff. M. K. Murthi, for advocate, 27-9-38.
	12-10-38	Plaintiff. Defendants. The Manager of the Mysore Bank in his Letter No. F. D. 51—40257, dated 28th September 1938 has written that a sum of Rs. 2,000 out of the Principal of Rs. 10,000 was paid to Lakshmamma on 28th September 1938. As the Judge is on casual leave adjourned to 14th October 1938. B. O., (Intd.) V. L. R., *Sheristedar.*	
	14-10-38	Plaintiff. Defendants. Court engaged in hearing Criminal Appeals for want of time adjourned to 18th October 1938. (Intd.) S. V. 14-10-38.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer
	18-10-38	Plaintiff by Mr. M. P. S. Defendants by Mr. M. K. Murthi. Heard arguments in part. It is 5 P.M. now, adjourned to 19th October 1938. (Intd.) S. V. 18-10-38.
	19-10-38	Plaintiff by Mr. } as before. Defendant by Mr. } Arguments continued and are not yet over. Adjourned to 20th October 1938. (Intd.) S. V. 19-10-38.
	20-10-38	Plaintiff by Mr. } as before. Defendant by Mr. } Arguments continued and are not yet over. It is 5 P.M. now. Adjourned to 21st October 1938. (Intd.) S. V. 20-10-38.
	21-10-38	Plaintiff by Mr. Defendant by Mr. Arguments adjourned with Mis. 67—35-36 to 31st October 1938. (Intd.) S. V. 21-10-38.
	31-10-38	Plaintiff. Defendant. Arguments. On account of Bangalore Sessions, adjourned to 2nd November 1938. (Intd.) S. V. 31-10-38.
	2-11-38	Plaintiff. Defendant. Arguments. On account of Bangalore Sessions, adjourned to 12th November 1938. (Intd.) S. V. 2-11-38.
	12-11-38	An account of Tumkur Sessions, adjourned to 24th November 1938. B. O., (Intd.) S. N. A., *Sheristedar.*
	24-11-38	Adjourned with Mis. 67—35-36 to 28th November 1938. (Intd.) S. V. 24-11-38.
	28-11-38	Adjourned with Mis. 67—35-36 to 29th November 1938. (Intd.) S. V. 28-11-38.
	29-11-38	Adjourned with Mis. 67—35-36 to 30th November 1938. (Intd.) S. V. 29-11-38.
	30-11-38	Adjourned with Mis. 67—35-36 to 6th December 1938. (Intd.) S. V. 30-11-38.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	6-12-38	Adjourned with Mis. 67—35-36 to 25th January 1939. (Intd.) S. V. 6-12-38.	
	25-1-39	Adjourned with Mis. 67—35-36 to 23rd February 1939. B. O., (Intd.) V. L. R. *Sheristedar.* 25-1-39.	
	23-2-39	Adjourned with Mis. 67—35-36 to 30th March 1939. B. O., (Intd.) V. L. R. *Sheristedar.* 23-2-39.	
	30-3-39	Adjourned with Mis. 67—35-36 to 1st April 1939. (Intd.) S. V. 30-3-39.	
	1-4-39	Adjourned with Mis. 67—35-36 to 3rd April 1939. (Intd.) S. V. 1-4-39.	
	3-4-39	Plaintiff. } as before. Defendant. } Order not ready as I was engaged in writing orders in 67 of 35-36 and I had no time to write the order in this case. Adjourned to 4th April 1939 for orders. (Intd.) S. V. 3-4-39.	
	4-4-39	Plaintiff. 1st Defendant in person. 2nd Defendant absent. Order on I. A. No. I pronounced. I. A. No. 2 can only be disposed of after evidence and in fact I have framed an issue on the point that arises for consideration regarding that application. It is issue No. 11. Issues framed—Evidence on 12th June 1939. Documents on or before 22nd May 1939. (Intd.) S. V. 4-4-39.	
	22-5-39	Plaintiff by Mr. M. P. S. 1st Defendant by Mr. M. K. Plaintiff's Advocate has filed a fee certificate *re* orders passed on I. A. I. This may be filed with the records. Documents in a fortnight. (Intd.) C. S. 22-5-39.	
	12-6-39	Plaintiff's counsel by Mr. R. R. Defendants by Mr. M. K. Steps not taken. The burden of proof is heavily on the Plaintiff. Mr. R. R. moves for an adjournment on the ground that Mr. M. P. S. is busy in connection with the marriage of his daughter. But no reason is given	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		as to why steps are not taken. The plaintiff too is absent. The plaintiff to pay Rs. 10 adjournment cost. Adjourned to 21st July 1939 as a last chance. Both parties must be ready. (Intd.) G. P. 12-6-39.	
	21-6-39	Plaintiff by Mr. M. P. S. Defendants by Mr. M. K. Defendants file an application under Order 13, Rule 10 and Sec. 151, C.P.C., praying that for reasons stated therein the court may be pleased to retain Mis. 67—35-36 along with Exhibit "A" as it is essential to go on with the trial of this Court. A copy of this application has been served on the plaintiff's Advocate. Plaintiff has given process fee for 4 witnesses on 15th June 1939. Summons to 2 witnesses were issued on 16th June 1939. One witness is served in person. Summons issued to the other witness is not yet returned. (Sd.) M. Krishna Murthi, Advocate for Defendants, 21-6-39.	
		Summons not issued to the two other witnesses for want of time. Defendants have paid process fee for 5 witnesses on 16th June 1939, defendants have taken summons to 4 witnesses for service and the same is not yet returned. Summons to the other witness not issued for want of time. Mr. M. K. admits receipt of Rs. 10 costs. P.W. 1. examined in part. Adjourned to 22nd June 1939, for want of time. (Intd.) G. P. 21-6-39.	
	22-6-39	Plaintiff by Mr. M. P. S. Defendants by Mr. M. K. Witness summons to the Manager, Bank of Mysore, served in person. H. R. Nunjundiah, clerk, Bank of Mysore, Ltd., says that the summons was served only at 11 A.M. and that some time is required to trace the documents. He is directed to produce them tomorrow, if possible. P.W. 1. further examined at length and his examination is not yet over. P.W. 2 examined. Adjourned to 23rd June 1939, for want of time. (Intd.) G. P. 22-6-39.	
	I. A. No. 4.	Mr. M. P. Somasekhara Rao, Advocate for the plaintiff, files an application under Order 16, r. 1 together with a list of witnesses praying that the court may be pleased to issue summonses to the witnesses mentioned in the list. Issue summonses at risk. (Id.) G. P. 22-6-39.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	23-6-39	Plaintiff by Mr. M. P. S. Defendants by Mr. M. K. P. W. 1 further cross examined at length. His examination is not yet over and Mr. M. K. says that he cannot proceed with further cross examination of the witness without the documents which the Bank of Mysore is summoned to produce. Hence adjourned to 24th June 1939. (Intd.) G. P., 23-6-39.	
	24-6-39	Plaintiff by Mr. M. P. S. Defendants by Mr. M. K. H. R. Nanjundayya, clerk, Bank of Mysore, produces certain documents with a list. P. W. 1 further examined at length adjourned to 30th June 1939 for want of time. (Intd.) G. P., 24-6-39.	
	30-6-39	Plaintiff by Mr. M. P. S. Defendants by Mr. M. K. P. W. 3 examined at length.	
	I. A. No. 5	Filed by plaintiff praying for the stay of further proceedings on the ground that an application for Probate as regards the Will in question is made. For objections and also for arguments adjourned to 1st July 1939. Parties must be ready to go on with the case, if the application is not allowed. (Intd.) G. P., 30-6-39.	
	1-7-39	Plaintiff by Mr. M. P. S. Defendants by Mr. M. K. Objections re: I. A. No. 5 filed. Plaintiff has summoned four witnesses and has taken the summonses to his hands. Arguments re: I. A. No. 5 heard. 3 P. Ws. are stated to be present. Order on 3rd July 1939. Batta to witnesses. (Intd.) G. P., 1-7-33.	
	3-7-39	Plaintiff's counsel by Mr. B. R. Rao. Defendants. Orders on I. A. No. 5 pronounced staying further proceedings in Mis. 257 of 38-39. Bring up on 11th August 1939. (Intd.) G. P., 3-7-39.	
	19-7-39	The advocate for the plaintiff has filed an application under Section 151, C. P. C. praying for the reasons stated in the affidavit, that the exhibits A and B in the case may be kept in court in a sealed cover. He has not produced a copy of the application and the affidavit. They may be kept in a sealed cover. (Intd.) G. P., 19-7-39.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	11-8-39	Records submitted to High Court for reference in Mis. A. No. 1 of 1938-39 along with Mis. 67 of 1937-38. Await records from the High Court by 11th September 1939. (Intd.) G. P., 11-8-39.	
	11-9-39	Plaintiff's counsel by Mr. B. R. Rao. Defendants. Await records from the High Court. The High Court in C. R. P. No. 70—1939-40, has ordered that the Probate case may be disposed of without delay. This order may be sent to the learned Additional District Judge before whom the Probate case is pending. Bring up on 6th October 1939. (Intd.) G. P., 11-9-39.	
	6-10-39	Plaintiff. Records in O. S. 11 of 1937-38 and Mis. 67 of 1937-38 have not yet been received from the High Court. Await receipt of records by 30th October 1939. (Intd.) A. S. R., 6-10-39.	
	30-10-39	Records in O. S. 11 of 1937-38 and Mis. 67 of 1937-38 have not yet been received from the High Court. Await receipt of the records by 20th November 1939. (Intd.) G. P., 30-10-39.	
	20-11-39	Records in O. S. 11 of 1937-38 and Mis. 67 of 1937-38 have not yet been received from the High Court. Await receipt of the records by 14th December 1939. (Intd.) H. N., 20-11-39.	
	14-12-39	Records in O. S. 11 of 1937-38 and Mis. 67 of 1937-38 have not yet been received from the High Court. Await the same by 8th January 1940. (Intd.) H. N, 14-12-39.	
	2-1-40	Orders received from the High Court (with No. 1938—E. B., dated 14th December 1939) in Mis. A. No. 1 of 1939-40, allowing the appeal against the order of this court, dated 4th April 1939 on I. A. No. I making absolute, the ex parte order of temporary injunction passed on 2nd October 1937 and dismissing the temporary injunction made by this Court. (The costs payable by the plaintiff to the defendants is Rs. 37-6-0). Note and inform the Mysore Bank. (Intd.) H. N., 2-1-40.	
	2-1-40 I. A. No. 7.	Defendants have filed an application under Section 151, C. P. C. praying that for the reasons stated therein the court may be pleased to call upon the Bank of Mysore, Ltd., Bangalore, to give effect to the order of the High Court of Mysore passed on 8th December 1939 dissolving the temporary injunction. Write to the Bank accordingly. (Intd.) H. N., 2-1-40.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	8-1-40	Plaintiff by Mr. M. P. S. Defendants by— Records received from the High Court. Bring up on 12th January 1940 with the Probate case. (Intd.) H. N. 8-1-40.	
	12-1-40	Plaintiff. Defendant. Along with O. S. 10 of 1939-40 adjourned to 14th February 1940. (Intd.) H. N. 12-1-40.	
	14-2-40	Plaintiff by Mr. M. P. S. Defendants by Mr. M. K. Murthi. This suit had been stayed pending disposal of the Probate case. The Probate case has been dismissed to-day. So this case is posted for evidence on 19th March 1940. (Intd.) H. N. 14-2-40.	
	6-3-40	The District Judge, C. and M. Station, Bangalore, writes with his letter No. D. 917 of 40, dated 24th February 1940 requesting that the Will of the late Muninanjappa Reddy filed in this case may be caused to be produced to his Court through some rssponsible official for reference in O. S. 38—39, Hg. 26-2-40. A sum of Rs. 2 is received in this case being witness batta. The date of hearing is over and the rules do not permit the Will being sent. Exhibits A and B are kept in a sealed cover to-day and the sealed cover will be deposited in the iron safe with the cash Nazir. (Intd.) H. N. 9-3-40.	
	19-3-40	Plaintiff by Mr. M. P. S. Defendants—absent. Steps not taken. No steps are taken. Mr. M. P. S. asks for an adjournment of the case and says that the plaintiff is under arrest in criminal case. I refuse adjournment as the plaintiff has already been examined in the case and as only the witnesses had to be summoned and examined. No witnesses are come. Mr. M. P. S. retires for want of instructions. (Sd.) M. P. SOMASEKHARA RAO, Advocate for Plaintiff. 19-3-40. As some witnesses have already been examined in the case I will proceed to judgment. Judgment on 25th March 1940. (Intd.) H. N. 19-3-40.	
	25-3-40	Judgment pronounced dismissing the suit and ordering each party to bear his costs. (Intd.) H. N. 25-3-40. Decree signed. (Intd.) H. N., *Additional District Judge,* 1-4-40.	

Exhibit P134.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. No. 11 of 37-38.

Plaintiff.	*Vs.*	*Defendants.*
K. M. Narayana Reddy.		Lakshmamma and another.

Written statement of Defendants Nos. 1 and 2.

1. These defendants do not admit that the late Mr. Muninanjappa was the owner of either of the Deposits referred to in para 3 (i) and (ii) of the plaint.

2. Defendants repudiate in toto the entire allegations in para 3 (iii) of the plaint. Reference to Defendants 3 and 4 in the said para is obviously a mistake. In the cause title of the plaint there are only two defendants named.

3. These defandants have been the absolute owners of the Deposits in question F. D. R. No. 43/457 even prior to the deposits. Neither the late Mr. Muninanjappa nor any one else excepting these defendants had any the least proprietory interest in the said Deposits.

4. During his life time late Mr. Muninanjappa did not look upon the said deposits as his property. On the other hand the two deposits were being dealt with as the property of Defendant No. 1 and Defendant No. 2, respectively.

5. These Defendants do not admit that late Mr. Muninanjappa executed any Will or the Will dated 5th January 1935 as alleged in para 4 of the plaint. The Will said to have been produced in Mis. No. 67 of 1935-36 is a spurious document, concocted by plaintiff with the connivance of some mischievous persons having their own axes to grind. The properties left behind by the late Mr. Muninanjappa being ancestral and joint family properties belonging to the several co-parceness of the family, the Will alleged to have been executed by him is not a document valid in law. Days before 5th January 1935 Muninanjappa lost his conciousness. He did not execute the Will in question. He could not have executed it, as he was not in a fit condition—physical or mental to execute any Will. Plaintiff has to establish the factum of the execution of the Will, the testamentary capacity of the deceased and his right to deal with the deposit amounts under question, belonging to the defendants. These defendants question the binding nature of the directions alleged to have been given by the late Mr. Muninanjappa, touching the disposal of the deposit amounts. Plaintiff has been striving by all sorts of unfair methods to get the alleged Will recognised in some Court proceedings other than by obtaining a probate.

6. These defendants dispute the correctness and truth of the allegations in para 5 as also of the proposition advanced in para 6 of the plaint. The truth, genuineness and legality or validity of the Will itself propounded by plaintiff being questioned by these defendants, defendants pray that all claims based on the said Will by plaintiff be deemed as disputed and baseless.

7. The claims put forward in para 8 of the plaint are on the very face of them extravagantly absurd and of a questionable nature. Under the colour of his being the first son of his father, plaintiff has already dealt with the family properties to the great prejudice of the rights of the co-parceners, and other members of the family. He is liable to account for all his dealings with the family properties and make good all losses occasioned to the other members of the family by his wrongful course of dealings. He is not the manager of the family. His conduct has throughout been detrimental to family prosperity. Plaintiff has been living separate from the family.

8. Plaintiff's claim to draw the deposit amounts in suit cannot be entertained till advalorem Court fee is paid on the two sums including the accumulations thereon separately, and also without bringing on record all the other members of the family.

9. The proposition in para 9 is not acceptable in law and it is entirely at variance with the concluding sentence in para 8 of the plaint, namely, " Plaintiff is entitled to draw the Fixed Deposit amounts and the defendants have no right to do so."

10. The suit for bare declaration is not maintainable in law. The Court fee paid is inadequate. The suit is bad for non-joinder of parties and mis-joinder of

causes of action. The suit claim is ill-founded. Plaintiff is not entitled to any of the reliefs prayed for. The reliefs prayed for in the plaint do not flow from the plaint allegations.

11. In filing the suit plaintiff is actuated by ulterior motives. The alleged Will is an unregistered on a deliberately false allegation that a true copy of the alleged Will was produced in Mis. 67 of 1935-36 on the file of this Hon'ble Court, plaintiff misled the Court and obtained orders prohibiting the withdrawal of all interest not only on the minors' deposits but also on the deposit belonging to Defendant No. 1 exclusively. The alleged Will itself was not produced in Court till the beginning of 1937, unless plaintiff was forced to do so. The Court proceedings are being protracted needlessly on some pretext or other by plaintiff. The present suit was filed only after it was discovered that his nefarious object in Mis. 67 of 1935-36 was frustrated by adverse court orders. Exparte orders against the interests of the defendants are obtained just to coerce these defendants to terms, if possible. Plaintiff's conduct has been utterly lacking in bona fides. Even the part testimony of a witness examined on behalf of the opponent there—the present plaintiff reveals the shallow nature of the basis of the present suit.

12. Plaintiff has obtained prohibitory orders in the case on false and untrue allegations. There is no *prima facie* case for the suit being sustained either in law or on facts.

Wherefore defendants pray that plaintiff's suit be dismissed with costs.

(1) Left thumb mark of Lakshmamma,
(Sd.) K. M. Sharadamma,
Defendants.

Bangalore City,
Dated 1st November 1937.

(Sd.) M. Krishna Murthy,
Advocate for Defendants.

Notification.

We, the defendants abovenamed do hereby declare that what is stated above is true to the best of our knowledge and belief.

(1) Left thumb mark of Lakshmamma,
(Sd.) K. M. Sharadamma,
Defendants.

Bangalore City,
Dated 1st November 1937.

Exhibit P135.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

Original Suit No. 11 of 1937-38.

Issues.

1. Whether the alleged Will of Muninanjappa, dated 5th January 1935, is genuine and whether he executed that Will when he was of sound disposing mind?

2. Whether Muninanjappa had the testamentary capacity to execute that Will and whether it is valid in law?

3. Whether the amounts covered by the Fixed Deposits, the subject matter of this suit belonged to Muninanjappa and whether he made those deposits in the names of Defendants 1 and 2, respectively, without the intention of divesting himself of the right to the amounts so deposited and whether he had the right to make dispositions regarding those Fixed Deposits in his Will as is alleged by the plaintiff?

Or

4. Whether those Fixed Deposits are absolute properties of Defendents 1 and 2, respectively, as contended by them?

5. Whether the 2nd Defendant had no issue on the date of Muninanjappa's death and her first child was born over a year after his death and whether on that account the remainder in the funds in which only a life interest was bequathed to her under the Will is vested in the plaintiff and his brothers, as the sons and heirs of the testator Muninanjappa?

6. Whether the 2nd Defendant is precluded by the doctrine of election from claiming an absolute right to the Fixed Deposit unless she relinquishes her claims to the others' bequests as is contended in para 7 of the plaint?

7. Whether the 1st Defendant has acquiesced in the bequests and is precluded from challenging the same?

8. If the Will alleged to have been executed by Muninanjappa is not genuine, whether the plaintiff has a right to the deposits in question along with his brothers as his father's heirs and whether the eldest male member of the family and its manager the plaintiff is entitled to draw the Fixed Deposit amounts in question?

9. Whether the suit for bare declaration and injunction is not maintainable in law?

10. Whether the suit is bad for non-joinder of parties and mis-joinder of causes of action?

11. Whether temporary injunction was applied for by the plaintiff in this suit on insufficient grounds and whether the defendants are entitled to any compensation on that account, and if so, to what extent?

12. What relief, if any, is the plaintiff entitled to?

(Sd.) S. VENKATA RANGA IYENGAR,
District Judge,
1-4-39.

Exhibit P136.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. No. 11 OF 1937-38.

Plaintiff.		*Defendants.*
K. M. Narayana Reddy.	*Vs.*	1. Lakshmamma. 2. Sharadamma.

Defendants abovenamed beg to file the following objections to the plaintiff's application praying for orders prohibiting defendants from dealing with the suit deposits as owners thereof.

1. The orders now passed are ex-parte. Even the copy of the petition is not served till to-day on these defendants.

2. There is no *prima facie* case made out by plaintiff for any orders being passed restraining defendants from dealing with their own moneys.

3. The petition is based on false and untrue allegations. The Will alleged is a false document; it does not obviously bind these defendants. It can by no means affect the properties that did not belong to the late Mr. Muninanjappa but belonged to third parties.

4. Defendants pray that their written statement filed in the original suit may be read as part and parcel of their objections to the petition under consideration. They further pray that the nature of the proceedings in Mis. 67—35-36 and the present plaintiff's conduct therein may also be taken into consideration in passing any orders restraining defendants from dealing with their deposits as full owners thereof.

5. Till separate sets of ad valorem court fees are paid on Rs. 10,000 and Rs. 15,000 and also on the accumulations thereof, the suit claim cannot be entertained in law; much less any interlocutory petitions of the kind in question.

6. These defendants have sustained heavy losses on account of plaintiff's wrongful course of conduct. They beg leave to take action against him in separate proceedings for all such losses.

7. Plaintiff's prayer cannot be granted either on facts or in law.

Wherefore these defendants pray that the petition in question be dismissed with costs.

Bangalore City,
Dated 1st November 1937.
(Sd.) M. KRISHNAMURTHI,
Advocate for Defendants.

Left thumb mark of Lakshmamma,
(Sd.) K. M. Sharadamma. 5

Verification.

We, the defendants abovenamed do hereby declare that what is stated above is true to the best of our knowledge and belief. 10

Bangalore City,
Dated 1st November 1937.

(1) Left thumb mark of Lakshmamma,
(Sd.) K. M. Sharadamma,
Defendants.

Exhibit P137.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE. 15

O. S. No 11 OF 1937-38.

Plaintiff. *Defendants.*
K. M. Narayana Reddy. *Vs.* Lakshmamma and another.

Under Section 95 of the Code of Civil Procedure.

For the reasons stated in the accompanying affidavit, defendants abovenamed pray that this Hon'ble Court may be pleased to award against plaintiff full compensation to the defendants for the losses caused to them for the wrongful attachment and prohibitory orders obtained exparte by plaintiff. 20

By Advocate, 0-12-0 and affidavit.
(Itd.) V. L. R.,
30-7-38.

Bangalore City,
Dated 29th July 1938.

Left Thumb Mark of Lakshmamma, 25
Defendant No. 1.

(Sd.) M. KRISHNA MURTHY,
Advocate for Defendant.

I. A. No. 2 30

For orders *vide* order-sheet.
2-8-38.

Verification. 35

I, the Defendant (Lakshmamma) abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

Bangalore City,
Dated 29th July 1938.

Left Thumb Mark of Lakshmamma,
Defendant No. 1.

Exhibit P137(a). 40

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. No. 11 OF 1937-38.

Plaintiff. *Defendants.*
K. M. Narayana Reddy. *Vs.* Lakshmamma and another.

Affidavit. 45

I, Lakshmamma, aged about 52, widow of Muninanjappa, Reddigar by caste, residing at 13/G. No. V Street, Ulsoor, C. & M. Station, Bangalore, do hereby solemnly affirm as follows :—

I am the Defendant No. 1 in the above suit. Plaintiff is my eldest son. Defendant No. 2 is my eldest daughter. 50

1. I own Rs. 10,000 in F. D. No. 43—457 and Defendant No. 2 owns Rs. 15,000 in F. D. No. 43—454 in the Bank of Mysore, Ltd., Bangalore City.

The said amounts belong to the respective depositors absolutely. I have drawn the interest on the deposits till the prohibitory orders were obtained exparte by plaintiff in Mis. 67 of 35-36 on the file of this Hon'ble Court under the garb of guardianship proceedings. The plaintiff did not put forward any claims either on his behalf or on behalf of any others to the said deposits till the said Mis. Proceedings were instituted by him.

2. Though the deposit amounts of Rs. 10,000 and Rs. 15,000 are the absolute property of myself and my daughter, defendant No. 2, in the case, plaintiff has on false allegations obtained exparte orders from this Hon'ble Court, directing us not to withdraw the said amounts from the Bank.

3. I have been stoutly repudiating the genuineness and validity of the Will propounded by plaintiff. It has been got up by plaintiff with the connivance of evil minded persons who have their own axes to grind. It is not a registered Will. No attempt has been made by plaintiff to get it probated in a proper court of law. On the other hand plaintiff has been fighting shy to take straight and direct steps for proving the Will. The Will is said to be more than 3½ years old. Inspite of plaintiff being called upon through lawyer's notice so long ago as to give a copy of the Will alleged by him to have been executed by my husband, plaintiff did not comply with my demand.

In the petition filed by the present plaintiff in Mis. Case No. 67 of 35-36 on 16th November 1935, in this Hon'ble Court, plaintiff stated "The deceased left a Will a true copy of which is herewith filed." But no copy of the Will alleged was produced at all. On the deliberate misrepresentation that a copy of the Will was produced, the Hon'ble Court was misled to pass exparte orders which have caused considerable losses to me and my minor children and given room for endless court litigation. I have taken care to bring all these facts for the consideration of this Hon'ble Court in the said Mis. Case. The alleged Original Will itself was not caused to be produced in Court till plaintiff was compelled to do so, long after the petition was filed in the said Miscellaneous Case.

4. I do not admit that either of the deposits in question formed part of the Estate of deceased Muninanjappa to be dealt with by him in a Will. Even if the Will be assumed to be true, the testator's directions *re* the deposits in question cannot effect the absolute rights of the depositors.

5. Plaintiff claims in his affidavit filed in support of his petition for attachment orders that he is "entitled to draw and receive from the Bank of Mysore" the deposits amounts in question. Plaintiff has taken to ruinous ways of life. Though I am mother of the plaintiff who has given birth to him as her first child in life, I am compelled to state in the interests of plaintiff and my other eight children that plaintiff is on his way to certain ruination and I have been striving my best to avoid the repercussions of his sins on my other children. Plaintiff has already made ducks and drakes of a good part of the family moveables.

6. It is false that I ever showed any anxiety to withdraw the amounts from the Bank. It is false that I am not possessed of other properties to make good any moneys I may withdraw out of the deposits in dispute. I emphatically repudiate Plaintiff's suggestion that my husband nominally deposited in the names of myself and my children moneys without any intention to devist himself of his rights therein.

7. Plaintiff's interpretation of the terms of the Will so far as they relate to the deposits in question is obviously incorrect and untenable. The other grounds urged for the prohibitory order under consideration are unsound and unfounded. Plaintiff's conduct is throughout malafide.

8. In para 6 of his affidavit, dated 1st October 1937, plaintiff claims to draw both the deposits from the Bank. The court fee now paid for recovering Rs. 10,000 and Rs. 15,000 namely Rs. 201 in all is obviously inadequate. Without payment of court fee in full, plaintiff cannot claim to allow the present prohibitory orders to continue any longer.

I state that the exparte injunction order now in force is obtained by plaintiff on insufficient grounds and there are no reasonable or probable grounds for

plaintiff to have instituted the suit. The suit as it is laid, is bound to fail. Under the circumstances I pray for full compensation allowable in law being awarded to me and the 2nd defendant against plaintiff.

Bangalore City,
Dated 29th July 1938.

Left thumb mark of Lakshmamma,
Defendant No. 1.
Identified by M. Krishna Murthi.

Sworn to before me.

(Sd). V. L. RANGANATHA RAO,
Sheristedar,
District and Sessions Court,
Bangalore City.
29-7-38.

Exhibit P138.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. No. 11 OF 1937-38.

I. A. No. 3. *Vide* Order sheet dated 21st June 1939.

Plaintiff.		*Defendants.*
K. M. Narayana Reddy.	*Vs.*	1. Lakshmamma. 2. Sharadamma.

Under O. 13 R. 10 and Section 151 of the Code of Civil Procedure.

Defendants abovenamed beg to submit as follows:—

1. The above case has been posted to 21st June 1939, for evidence being recorded. On 12th June 1939 the case had to be adjourned on account of plaintiff's absence and his not having taken steps.

2. The suit claim has been based on an alleged Will of late Mr. Muninanjappa, husband of defendant and father of plaintiff and Defendant No. 2. The said Will has been marked as Exhibit A in Mis. Case No. 67 of 1935-36 on the file of this Hon'ble Court, decided on or about 3rd March 1939. The defendants are under the impression that the said Will, Exhibit 'A', is kept in safe custody separate from the records of the case. The said Mis. Case relates to the guardianship question about the Fixed Deposits amounts standing in the names of the minor children of Defendant No. 1 in the Bank of Mysore.

3. First defendant's rights of guardianship over her minor children's said deposits not having been recognised in the court order passed in the said Mis. 67 of 1935-36, Defendant No. 1 has filed an appeal against the said order in the High Court of Mysore on 12th June 1939.

4. The records of Mis. 67 of 1935-36 Will in the ordinary course be sent for by the Hon'ble High Court for the said Mis. Appeal.

5. Plaintiff is interested in protracting the court proceedings and in putting off the court decision on the genuineness and validity of Exhibit 'A.' Taking advantage of the records in Mis. No. 67 of 1935-36 being called for by the High Court, plaintiff will plead for another adjournment on the ground of Exhibit 'A' not being available for proceeding with the present suit, should Exhibit 'A' also be sent away to the High Court along with the file of the said Mis. 67 of 1935-36.

6. To ensure the present suit being proceeded with on 21st June 1939, and to minimise the chances for plaintiff to ask for further adjournments in the case, defendants pray that Exhibit 'A' may not be sent to the High Court when file of records in Mis. 67 of 1935-36 is called for. When Exhibit 'A' be found necessary for the disposal of the said appeal these defendants will take care to file a certified copy of Exhibit 'A' in the High Court.

7. The defendants in the present suit have appealed to the High Court from the orders passed on I. A. No. 1 in the present suit (O. S. No. 11 of 1937-38) and it is likely that the original records of O. S. No. 11 of 1937-38 may be sent for by the High Court. The defendants submit that the file of the suit records is not required for the disposal of the said appeal. Further the said appeal will become

ready for hearing, only after 21st June 1939. Defendants propose to apply in the High Court appeal for the Original Suit records not being sent for as the disposal of the present suit will be put off, if the records are sent away to the High Court and as also the original records will not be necessary for the disposal of the appeal. It is, therefore, essential that the records of the original suit are retained in this Hon'ble Court for the case to go on with certainty on 21st June 1939.

8. The suit amounts of Rs. 8,000 and Rs. 15,000 have been under court attachment for the last over 3½ years at the instance of plaintiff. The amounts carry no interest. The entire dispute depends on the determination of the issue *re.* the alleged Will, Exhibit 'A.' The controversy does not require more than three or four sittings for final disposal of the suit. On account of plaintiff somehow managing to protract and multiply court proceedings and avoiding thereby till now any effective court pronouncement on the nature of Exhibit 'A', defendants have been put to divers hardships.

Wherefore the defendants pray that the original suit records along with Exhibit 'A' in court custody, marked in Mis. 67 of 1935-36 be retained in this Hon'ble Court for disposal of the suit on 21st June 1939 and subsequent dates. The affidavit in support of this application is also filed along with this application.

Left Thumb Mark of Lakshmamma,
(Sd.) K. M. Sharadamma,
Defendants.

BANGALORE CITY,
Dated 13th June 1939.

(Sd.) G. K. RAGHAVENDRA RAO,
For Mr. M. KRISHNA MURTHY,
Advocate for Defendants.

Verification.

We, the defendants abovenamed do hereby declare that what is stated above is true to the best of our knowledge and belief.

Left Thumb Mark of Lakshmamma,
(Sd.) K. M. Sharadamma,
Defendants.

BANGALORE CITY,
Dated 13th June 1939.

The receipt acknowledging the copy of the above petition by the defendants' Advocate is also produced herewith.

Exhibit P139.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. No. 11/38-39.

M. Narayana Reddy .... *Plaintiff.*

Vs.

akshmamma and another .... *Defendants.*

Defandants' objections to plaintiff's I. A. No. 5, dated 30th June 1939 for stay of further proceedings.

1. No justifiable grounds are disclosed in the petition for stay of further proceedings.

2. The apprehended conflict of decisions is based more on imaginary grounds than on real facts.

3. Plaintiff has offered no explanation at all for the enormous delay of almost four years in his applying for probate, even after the genuineness of the Will was seriously questioned so early as in July 1935.

4. The petition is utterly lacking in bona fides. It is obviusoly a desperate attempt to put off the evil day, and to coerce the defendants to terms.

5. There is no guarantee that plaintiff would diligently prosecute the probate proceedings in the face of the fact that the allowed O. S. 266/36-37 on the file of Second Munsiff's Court, Bangalore/R.A. 154 of 38-39 on the file of First Additional Sub-Court, Bangalore, to get dismissed for not producing the probate within the time fixed, though a decree was directed to be drawn up for over Rs. 600 in the trial court.

6. On the basis of a false Will and by recourse to questionable methods and dilatory actions plaintiff has managed to get court orders prohibiting defendants from exercising their rights of ownership over their own amounts for the last over 3½ years. When evidence has to be let in, plaintiff fights shy and attempts to get adjournment as the proceedings in Mis. 67 of 35-36 bear out. From the date of the death of K. Muninanjappa, *i.e.*, from 8th January 1935 plaintiff's course of conduct *re*: the family estate has been unrighteous to a revolting degree; he has brought ruination already on a family consisting of more than six minors and owning properties of over four lakhs of rupees and any postponement of the trial will be against express provisions of law and paves way for further disastrous consequences on the family, apart from abuse of court process.

Wherefore defendants pray that the petition in question may be dismissed with exemplary costs, and the trial of the suit proceeded with.

Bangalore City,
Dated 1st July 1939.

L. T. Mark of Lakshmamma,
Defendants

(Sd.) M. Krishna Murthi,
Advocate for Defendants.

Verification.

The defendants abovenamed do hereby declare that what is stated above is true to the best of our knowledge and belief.

Bangalore City,
Dated 1st July 1939.

L. T. Mark of Lakshmamma,
Defendants

Exhibit P140.

IN THE COURT OF THE DISTRICT JUDGE AT BANGALORE.

O. S. 11 OF 1937-38.

Plaintiff.		*Defendants.*
Narayana Reddy.	*Vs.*	Lakshmamma and others.

I. A. No. 6, For orders *vide* order sheet.

Application under Section 151 of the Code of Civil Proceedure :—

For the reasons stated in the affidavit herewith fild it is prayed that the Ex. A and Ex. B in the case be kept in Court in a sealed cover.

Bangalore,
Dated 12th July 1939.

(Sd.) M. P. Krishnaswamy,
Advocate for Plaintiff.

Exhibit P140 (a)

IN THE COURT OF THE DISTRICT JUDGE AT BANGALORE.

O. S. 11 OF 1937-38.

Plaintiff.		*Defendants.*
Narayana Reddy.	*Vs.*	Lakshmamma and others.

Affidavit.

I, Narayana Reddy, plaintiff, herein do on solemn affirmation state as follows :—

1. In the above case the principal point in dispute is the genuineness and validity of the Will of late Muninanjappa, my father. The said Will is produced in the suit as Ex. A. Ex. B. is another documents which is equally important.

2. The case is a hotly contested one and any tampering with the said Ex. A and Ex. B might have serious consequences.

3. I therefore submit that it is necessary and desirable in the interests of justice that the said Ex. A and Ex. B be kept in court in a sealed cover so as to prevent any tampering with the same.

Bangalore, (Sd.) K. M. Narayana Reddy,
5 Dated *Plaintiff.*

Signed and sworn to before me this 12th day of July 1939.

(Sd.) V. L. RANGANATHA RAO,
Sheristedar,
District and Sessions Court,
10 *Bangalore City.*

Exhibit P141.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. No. 11 *of* 1937-38.

Plaintiff.		*Defendants.*
15 K. M. Narayana Reddy.	*Vs.*	1. Lakshmamma. 2. Saradamma.

UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE.

I. A. No 7 for orders *vide* order sheet,
dated 2nd January 1940

20 Defendants abovenamed beg to submit as follows :—

1. In the above case, the exparte order of temporary injunction passed by this Hon'ble Court on I. A. No. 1 on 2nd October 1937, was made absolute on 4th April 1939, in respect of the principal sum of Rs. 8,000 out of Rs. 10,000 Fixed Deposit that stands in the name of the 1st defendant, also in respect of the princi-
25 pal sum of Rs. 15,000 as well as interest on Rs. 5,000 out of the Fixed Deposit of Rs. 15,000 that stands in the name of the 2nd defendant in the Bank of Mysore, Limited, Bangalore.

2. The defendants preferred Mis. Appeal No. 1 of 1939-40 in the Hon'ble High Court of Mysore on 12th June 1939. The said appeal was allowed with
30 costs on 8th December 1939. The temporary injunction order made absolute on 5th April 1939, by this Hon'ble Court was dissolved in express terms by the Hon'ble High Court of Mysore.

3. The defendants obtained a certified copy of the High Court Order, dated 8th December 1939, passed in the said Mis. Appeal 1 of 1939-40 and on 18th
35 December 1939 applied to the Bank of Mysore, Ltd., Bangalore, with the certified copy of the High Court Order, for renewal of the deposits as also the payment of Interest accumulated thereon.

4. The Bank of Mysore, Ltd., have been declining to give effect to the said order of the Hon'ble High Court of Mysore on the plea that they are still
40 bound by "the order" dated 6th April 1939 alleged to have been passed by this Hon'ble Court.

5. To the best of the knowledge of these defendants there is no order of any kind passed by this Hon'ble Court referred to by the said Bank. Defendants submit that even if there should be any such order, the same as obviously become
45 superseded by the High Court order cancelling the temporary injunction in the said Mis. Appeal 1 of 1939–40. Defendants venture to submit that at all events the Bank of Mysore, Ltd., ought to have shewn greater respect to the order of the Hon'ble High Court of Mysore than what has been at present bestowed on it by the authorities of the said Bank. Defendants state that the said Bank was bound
50 to give effect to the High Court order, when the same was brought to its notice by means of a certified copy of the order granted under the seal of the Hon'ble High Court of Mysore. Defendants further submit that there are no justifiable grounds for the attitude shown by the said Bank towards the High Court order dissolving the injunction order.

55 6. The Bank of Mysore, Ltd., have no right to insist upon the defendants to observe any more formalities before defendants deal with their moneys, especially when the Bank have been put into their possession a duly certified copy of the order passed by the Hon'ble High Court of Mysore.

Wherefore defendants pray that this Hon'ble Court may be pleased to call upon the Bank of Mysore, Ltd., by means of *an emergent court notice* to show cause why they have not given effect to the order dated 8th December 1939 passed by the Hon'ble High Court of Mysore, a certified copy of which was given to them on 18th December 1939 by the defendants. 5

Defendants pray that as the sum involved is over Rs. 23,000 in all and as it is in their interests to withdraw the deposits immediately, emergent orders be passed on this petition, directing the issue of a court notice to the said Bank.

A true copy of this petition is produced herewith for service on the Bank of Mysore, Ltd. 10

Bangalore City,
Dated 2nd January 1940.

(1) L. T. mark of Lakshmamma,
(2) M. Sharadamma,
Defendants.

(Sd.) M. Krishna Murthy, 15
Advocate for the defendants.

Verification.

We, the defendants abovenamed do hereby declare that what is stated above is true to the best of our knowledge.

Bangalore City,
Dated 2nd January 1940.

(1) L. T. Mark of Lakshmamma, 20
(2) M. Sharadamma,
Defendants.

Exhibit P142.

IN THE COURT OF THE DISTRICT JUDGE, 25
BANGALORE DIVISION.

MEMORANDUM of the evidence of witness.
No. 1 for Plaintiff taken this 21st day of June 1939.
My name is Mr. K. M. Narayana Reddy (Plaintiff).

On solemn affirmation. 30
Dated 21st June 1939.

Examination-in-Chief:—

Muninanjappa was my father. The 1st defendant is my mother and the 2nd defendant is my younger sister. My father owned properties work three to four lakhs. He had only a house and a wet land as ancestral property in Civil and 35 Military Station, Bangalore. At present the house is worth Rs. 1,000 or Rs. 1,500, and the wet land Rs. 150 or Rs. 200. He had no other ascentral property. The rest of his properties were his self-aquisition. He was a contractor and acquired properties from what he earned from that business. Fixed Deposits of Rs. 10,000 and Rs. 15,000 in the names of defendants 1 and 2, respectively, 40 belonged to my father. He was in the habit of depositing amounts in the names of all his children and the 1st defendant. He himself used to renew the deposits and deposit amounts. Except myself the other children were all minors at the time. Though the deposits were in the names of defendants 1 and 2, he retained ownership in them. Both the deposits were made on 5th November 1934 in the Bank 45 of Mysore, Ltd. Prior to it, the deposits were in the Bangalore Bank. It was in the Bangalore Bank that the amounts used to be transferred from one name to another. My father died on 8th January 1935. He died of some liver complaint (Cirrhosis of liver). He has left a Will and it is Exhibit A (Exhibit A is taken out of a sealed cover which is opened now in Court. Exhibit A had been kept in the 50 sealed cover in Mis. 67 of 1935-36 on the file of this Court). It is dated 5th January 1935. He was of sound mind when he executed Exhibit A. He consulted Mr. S. K. Venkataranga Iyengar, Advocate, before executing the Will. The draft of the Will was prepared by Ramachandra Rao, the writer of Exhibit A as per instructions of Mr. S. K. Venkataranga Iyengar. Mr. Venkataranga Iyengar took 55 instructions from my father before hand and then instructed Ramachandra Rao. My father had private conversation with Mr. Venkataranga Iyengar for 2 or 3 days in that connection. Mr. Venkataranga Iyengar read out the Will to my father

after it was written in the presence of Venkataswamy, Balakrishna Mudaliar, Hoskote Nanjundappa, Native Pandit Narasimayya, my maternal uncle Pilla Reddy, and my brother-in-law Gurumurthy, husband of the 2nd defendant. I was also present then. The 1st defendant and Ramachandra Rao, the writer of the Will were also present. All of them have attested Exhibit A even including myself, the 1st defendant and the 2nd defendant's husband. My father has affixed his thumb mark in every sheet of Exhibit A. The portions marked as Exhibits A(1) and A(2) refer to the deposits in question. Myself and the 1st defendant have been appointed as executors. As the defendants 1 and 2 and the 2nd defendant's husband attempted to withdraw the amounts from the Bank I had to file this suit. If they are permitted to withdraw the amounts, it will not be possible to act up to the terms of the Will. Hence I have brought this suit.

Cross Examination :—

(Permitted to be resumed for want of time).

Taken down by me and read over to the witness and admitted by him to be correct.

(Sd.) G. PARAMASIVIAH,
District Judge,
21-6-39.

22nd June 1939. Recalled and duly sworn.

Further examination-in-chief with permission.

The Will, Exhibit A, was in the custody of Mr. S. K. Venkataranga Iyengar, as per directions contained therein. He produced it to Court in Mis. 67 of 1935-36 on the file of this court. One T. D. M. Fernandez had filed a suit in O. S. 22 of 1934 on the file of the District Court, Civil and Military Station, against my father and me. After the death of my father, the plaintiff filed an application praying that myself and my mother might be brought on record as legal representatives on the ground that we had been appointed as executors by the Will of my father. We were brought on record accordingly and that suit was decreed. My mother did not put in any contention then as regards the Will.

Cross Examination :—

My mother the 1st defendant is illiterate. I know how to read and write in English and Kannada. My father was literate in Kannada and he could make out if one spoke to him in English. It is not possible to give out the value of the properties that are bequeathed to me by the Will. At the present value they may be worth about sixty to seventy thousand rupees. As per Will Rs. 30,000 worth of bonds have been set apart for charities and myself, Mr. S. K. Venkataranga Iyengar and Venkataswamappa are appointed as Trustees thereof. At the time of the death of my father Rs. 85,000 was in deposit in the Bank of Mysore, Ltd., in the names of my mother and my sisters and brothers, who were minors. As per the direction in the Will the guardians of the minors have been empowered to utilise the abovesaid Fixed Deposits of Rs. 85,000 and other sums to be collected for the benefit of the minors by better investment. The portion containing the above direction is marked Exhibit 1 in Exhibit A. I know Panthangi Krishnayya, contractor. I do not know whether he had borrowed money from my father. Neither do I know whether Mr. S. K. Venkataranga Iyengar owed money to my father. Venkataswamy, attestor of Exhibit A, owed money to my father. But I have no written reference with me in that connection. At the time of my father's death there was timber lying in the premises of my father's house. (The witness volunteers that it is there even now). Myself, Kenchappa, son of Nanjundappa, who has attested Exhibit A, and one Venkatappa of Arlepet, Bangalore City, have jointly purchased a land for Rs. 4,000. We have not set up brick kilns there. I did not know before Ramachandra Rao, the writer of Exhibit A. For the first time I saw him at the time he wrote the Will. Subsequently I have been seeing him but I have not talked to him. I see him in Mr. Venkataranga Iyengar's office whenever I go there. My father had no acquaintance with him. It was Mr. Venkataranga Iyengar who brought him for writing the Will. I do not know whether he was paid anything for writing the Will. I did not pay him anything. I came to know of his name

from the endorsement of scribe in Exhibit A and in the office of Mr. Venkataranga Iyengar. I do not know what his profession is. He is reputed to be a document writer and also as a clerk in some mandy (ಪಾಂಡಿ). I do not know his father's name nor his place of residence. I have not cited him as a witness in this case. No date had been previously fixed for writing the Will. It was only on the day on which the Will was written that I came to know of it. The attesting witnesses except Narasimhayya, the Native Pandit, came there accidentally (ಅಕಸ್ಮಾತ್ತಾಗಿ). The witness volunteers that his father sent for and got the attestor Venkataswamappa). Mr. Venkataranga Iyengar and the writer of the Will and others came at about 3-30 or 4 P.M. that day. The Will was written in a room opposite to the bedroom of my father. Mr. Venkataranga Iyengar and Ramachandra Rao the writer of the Will were in the room at the time it was written. I was being sent for now and then in order to furnish particulars as regards documents, etc. I do not remember who else was present inside the room at that time. I was being sent for now and then by Mr. Venkataranga Iyengar. I was giving information to Mr. Venkataranga Iyengar after getting instructions from my father. I did not notice who all were present in the room of my father. But there were many in that room. I cannot say how many there were. I do not remember either their names or their places. A number of people were coming in and going out, and I cannot say whether they were present at the time the Will was written. They knew of the fact of the Will being written. Two or three asked me whether the Will was being written and I told them that it was being written. I do not know their names. None could go inside the room where the Will was being written, as the door had been closed on account of the crowd. As people were coming in and going out, my father himself wanted the Will to be written in the other room. Attestor Balakrishna Mudaliar came inside my father's room just when the Will was being read out. I did not notice whether he was inside my father's room when the Will was being written. I do no know whether he was present or not in my father's room then. He is examined as my witness in Mis. 67 of 35-36 on the file of this court. My father was lying on the bed at the time the Will was being written. He was not able to get up and move about. He was not sleeping when the Will was being written. I did not see any one else going inside the room and talking to Mr. Venkataranga Iyengar and the writer of the Will. Mr. Venkataranga Iyengar was dictating the contents of Exhibit A and the writer was writing according to his dictation. There was no document, account book, etc., relating to the family transactions at the place when the Will was being written, but whenever wanted I used to take the reference from my mother and return them to her then and there. I did not keep with me any reference. Mr. Venkataranga Iyengar was dectating by referring to some paper containing the instructions of my father. I did not see the contents of that paper. I am not personally aware of the instructions given by my father. The contents of that paper appeared to be in English, but I do not exactly remember. When I saw the paper it did not contain the thumb impression of my father. That paper remained with Mr. Venkataranga Iyengar (The witness volunteers that Mr. Venkataranga Iyengar obtained the thumb impression of his father to that paper and took it away Intd. G. P.). I do not remember whether any one attested that paper, but I remember to have seen Ramachandra Rao writing to the thumb impression of my father. I do not remember whether contents of that paper were read out before the thumb impression of my father was obtained to it. I asked Mr. Venkataranga Iyengar why he was taking the thumb impression to that paper and he told me that he was doing so as it contained the instructions of my father. I did not ask him as to when he had taken those instructions from my father. Neither did I ask him as to when he reduced it into writing. My father himself told me on 5th January 1935 that he had given instructions to Mr. Venkataranga Iyengar as regards the Will. Some people were present when my father told me as above, but I do not remember now who they were. I was not present when the instructions were given to Mr. Venkataranga Iyengar. My father sent me out then, but he permitted some to remain there. I do not remember now who they were. I do not know whether any of them have attested Exhibit A. It was about 5-30 or 6 P.M. when they came out of the room after finishing the writing of the Will. Nothing was written in the Will after they came out of the room. Mr. Venkataranga Iyengar had the instructions paper with him and Ramachandra Rao the Will when they came out of the room and entered my father's room. It was Ramachandra Rao who obtained my father's thumb

impressions to Exhibit A. I do not remember to how many papers he took the thumb impressions. (The witness volunteers that he obtained thumb impressions to the sheets of paper comprising the Will and to the instructions paper Intd. G. P.). Venkataswamy, Balakrishna Mudaliar, Nanjundappa and my mother, my brother-in-law Gurumurthy, my mother's brother Pilla Reddy and Native Pandit Narasimhayya were present when the thumb impressions were obtained to the Will. At about 3 or 3-30 P.M. that day Mr. Venkataranga Iyengar and Ramachadra Rao came together and my father saw them then. Ramachandra Rao then came inside my father's room. (The witness volunteers that Mr. Venkataranga Iyengar brought Ramachandra Rao with him. Intd. G. P.). I do not remember whether my father talked to Ramachandra Rao then. The dimentions of my father's room are about 15′ × 20′. I helped my father to sit up while affixing the thumb marks. All those whom I have already referred to were present when my father affixed his thumb marks to the Will. Taken down by me and read over to the witness and admitted by him to be correct.

(Sd.) G. PARAMASIVIAH,
District Judge,
22-6-39.

22nd June 1939.

(Court rises for lunch as it is 2-30 P.M. Intd. G. P.) Recalled and duly sworn. Cross-examination continued:—It was Mr. Venkataranga Iyengar who read out the Will. No one took the Will and perused the contents thereof before it was read out by Mr. Venkataranga Iyengar. No one looked at the contents of the Will after it was read out to verify the contents thereof. It took about 20 to 25 minutes to read out the contents of the Will. My father did not object to any portion of the Will after hearing it read out. The Will remained with Mr. Venkataranga Iyengar after it was read out. No. It was given to my father for being signed. My father did not himself peruse the contents of the Will. After my father signed it, and after it was got attested my father handed over the Will to Mr. Venkataranga Iyengar. I cannot say who actually handed over the Will to Mr. Venkataranga Iyengar. Mr. Venkataranga Iyengar stayed there for about 10 or 15 minutes and he left the place at about 7 P.M. No copies of the Will were prepared that day. I do not know whether Mr. Venkataranga Iyengar gave any voucher to any one acknowledging receipt of the Will. Neither did I demand any voucher from him. I saw the Will again only when it was produced in Mis. 67 of 1935-36. I saw it when it was got exhibited during the examination of Balakrishna Mudaliar. Mr. Surya Prakash, Advocate, Civil and Military Station, once wrote to me asking for a copy of the Will on behalf of my mother. I have got it in my file of papers, which I have not brought to-day. He wrote to me in July or August of 1935. I see the postal acknowledgment receipt, Exhibit II, dated 25th July 1935 and it contains my signature. Exhibit III, dated 29th July 1935 is the reply which I gave. I hear Exhibit III read out. I have not mentioned therein the date of the Will, as the first defendant was fully aware of the execution of the Will. As the original Will was not with me I could not send her a copy thereof. I orally asked Mr. Venkataranga Iyengar to give me a copy and he promised to give me one. As Mr. Venkataranga Iyengar wrote to me saying that he sent a copy of the Will to Mr. Surya Prakash, I did not send a copy to him. I do not know whether Mr. Venkataranga Iyengar has got any reference for having sent a copy to Mr. Suryaprakash. Exhibit IV, dated 4th January 1936 is another letter which I wrote to Mr. Suryaprakash. After the death of my father misunderstandings arose for the first time between me and my mother in June or July of 1935. The first defendant never orally demanded for a copy of the Will. I do not remember whether my mother even wanted from me information as regards any of the family properties. Mr. Venkataranga Iyengar had come to our house twice or thrice while the 1st defendant was living with me. No talk took place between them as regards the family transactions. My father was his client. He was our Lawyer in O. S. 22 of 34 on the file of the District Court, C. & M. Station. I do not remember any other case in which he appeared for us. I never saw my father going to Court himself. Mr. Venkataranga Iyengar was being paid for each case. After the death of my father I paid him Rs. 400 as fees for having attended to the execution of Ex. A (The witness at first stated that he paid the amount not specifically for any particular work and after much

warning he gave the above reply (Intd. G. P.) I have no reference with me to show that Mr. Venkataranga Iyengar appeared for my father in Income-tax cases but I have seen such references in the Income-tax office. I call him as my family counsel, as my father told me so, my father told in 1934, but I do not remember the month. It was he who filed Mis. 67 of 35-36 on the file of this Court. He conducted the case for some time and then retired. I have not yet paid him any fees for conducting that case. (Further examination stopped for want to time)

Taken down by me and read over to the witness and admitted by him to be correct.

(Sd.) G. PARAMASIVIAH,
District Judge,
22-6-39.

Dated 23rd June 1939.
Recalled and Duly Sworn.

Further Cross Examination.—My father had not asked me to pay Rs. 400 to Mr. Venkataranga Iyengar. I do not know whether my father had fixed any remunaration to be paid to Mr. Venkataranga Iyengar for having the Will in his custody. I am not aware of my father having ever expressed any desire as regards payment of remunaration to Mr. Venkataranga Iyengar. He did not send me any bill, but he orally demanded. I have entered in my accounts as regards Rs. 400 paid to him. I do not remember the date on which I paid the amount. I have not produced my account books into Court. I did obtain a receipt from him for having paid the amount. (The witness volunteers that he paid by means of cheque) I have made only a part payment. It is not yet decided as to how much he is to be paid. I do not know whether attestor Venkataswamy is building contracter. He owns oil mills. I do not know what properties he owns and to what extent he is indebted. Mr. Venkataranga Iyengar got a new house built in Gandhinagar, Bangalore City in 35-36. I do not know whether attestor Venkataswamy supervised the coustruction of that house. I did not supply the bricks and timber required for the construction of that house. I do not remember whether I informed my mother as regards the sum of Rs. 400 which I paid to Mr. Venkataranga Iyengar. I do not remember whether misunderstandings had arisen between us by that time. Mr. Venkataranga Iyengar is not demanding for the payment of the balance of his fees. There is only an oral agreement as regards the fees who paid to him. I gave him the cheque in 1935 and I do not remember the month. I am not aware of my father consulting any of his friends or well-wishers as regards the disposal of his properties by means of a Will. My father was well known, and before his death the Municipal Officers and Officials visited him and enquired about his health. My father survived for three days after executing the Will. His friends and relatives were visiting him during those days. He informed them that he had given the Will to the custody of Mr. Venkataranga Iyengar. It was on the 6th, 7th and 8th of January 1935. He lost his consciousness on the afternoon of the 8th. I do not remember now the names of those whom he informed at this distance of time. He was ill for about three months from prior his death. Doctor Shankar Rao, Col. Hanez and Pandit Narasimhayya were treating. I do not know personally whether Doctor Subba Rao was treating him. Doctor Shankar Rao was not coming to our house before my father fell ill. I do not remember I see Exhibit V, dated 10th January 1935. Doctor Shankar Rao sent that bill to me. I paid him Rs. 300 in full settlement of that bill. I might have taken a receipt from him and it may be in my file. He treated my father till about 20 or 25 days or a month before his death. I was purchasing the medicines in shops. After he ceased to treat my father, attestor Pandit Narasimhiah was treating him for about 20 or 25 days till his death.

I paid him Rs. 30 to him as fees. I do not exactly remember the amount. I do not know whether he was maintaining a history sheet of my fathers disease. I cannot say what medicines he gave. I asked him what medicine he was giving and he used to say that he was giving some powders (ಭಸ್ಮಗಳು). My second wife is the daughter of Pilla Reddy, who is the elder brother of my mother. I do not know whether he and my mother are of different mothers. My brother-in-law Gurumurthy, husband of the 2nd defendant, is the son of attestor Pilla Reddy and he has also attested the Will Exhibit A. It is to him that Rs. 5,000 is bequeathed under the Will. I did not ask Mr. Venkataranga Iyengar as to what fee was paid

to Ramachandra Rao, the writer of Exhibit A. I do not know whether he wrote the Will gratis. There were deposits of money in the Bangalore Bank in the names of my father and my younger brother Kodandaram. I withdrew that amount on 8th January 1935, *i.e.*, Rs. 17,818-12-6. My father was alive then. It was on a letter of authority written to the Bank that the said amount was transferred to my accounts. It might be on 6th January 1935 that my father sent the letter of authority to the Bank. I do not know who wrote that letter. I do not know whether my father mentioned in that letter about the Will (Question:—How did you spend the said amount of Rs. 17,000 and add. Answer:—Why do you want it how are you concerned with it.) It is false that I made use of that amount to get up the Will Exhibit A.

I have mentioned in my accounts the details relating to the expenditure of the said sum. I have mentioned in my personal accounts. I have maintained a separate set of accounts as regards the estate of my father. I informed my mother that I received an intimation from the Bangalore Bank that Rs. 17,000 and odd had been transferred to my accounts. I have treated that amount as my personal property and not as having belonged to the joint family. My father had some money in the Bangalore Cantonment Permanent Fund, Ltd. I demanded the payment of that amount after my father's death. I wrote them a letter of demand and I do not remember whether I have made a mention of the Will in that letter. The first defendant also had engaged Mr. Venkataranga Iyengar in O. S. No. 22 of 34 on the file of the Civil and Military Station, District Court. Mr. F. M. X'avier was also appearing for us in that case while my father was alive. I do not remember whether my mother gave Vakalat to both or to Mr. Venkataranga Iyengar alone after my father's death. Myself and my mother were well disposed towards each other when we engaged Mr. Venkataranga Iyengar. It was on 23rd September 1935 that Mr. Venkataranga Iyengar sent me a copy of the Will as per his letter Exhibit VI (Exhibit VI is produced by the witness now). I filed that copy in Mis. 67 of 35-36 on the file of this Court. The manuscript portion of Exhibit VI (*a*) is in the handwriting of Mr. Venkataranga Iyengar. The portion is neither dated nor initialled by him. I do not remember the date on which I produced the copy of the Will in Mis. 67 of 35-36. Exhibit VII, dated nil was filed by me in the above Mis. case, through Mr. Venkataranga Iyengar and it purports to have been filed on 16th November 1935. I myself presented Exhibit VII into Court. I do not remember whether a copy of Will was produced into Court along with Exhibit VII as mentioned in the portion Exhibit VII (*a*). Exhibit VIII is the copy of the Will which Mr. Venkataranga Iyengar sent to me along with Exhibit VI. I do not know in whose handwriting Exhibit VIII is. I do not remember whether I myself produced Exhibit VIII into Court. Exhibit IX, dated 25th August 1936 is the objection stated which filed in Mis. No. 67 of 35-36. The manuscript portion Exhibit IX (*a*) is not in my handwriting, neither can I say in whose handwriting it is. Exhibit IX does not contain the signature of Mr. Venkataranga Iyengar, who was my lawyer then. The portion Exhibit IX (*a*) is neither initialled nor dated.

Taken down by me and read over to the witness and admitted by him to be correct.

(Sd.) G. PARAMASIVIAH,
District Judge.
23-6-1939.

(Court rose for lunch at 2-30 P.M.).

24th June 1939. Re-called and duly sworn and examination continued. It was on 9th January 1939 that I received intimation from the Bangalore Bank as regards the transfer of the amount to my accounts. I did not enquire as to how the amount happened to be transferred to my name. Previous to 9th January 1935, *i.e.*, on 6th January 1935 my father himself told me that he had informed the Bank to transfer the amount to my name. It was at about 11 A.M. or 12 NOON or at 1 P.M. that he told me. I do not remember who were present then. The Will was with Mr. Venkataranga Iyengar then. My father told me that he wanted to write a letter to the Bank requesting the amount to be transferred to my name. A letter was sent accordingly. I do not know who wrote that letter. (After some hesitation the witness says that he knows who wrote the letter and again says that he knows who wrote the letter and again says that he does not remember.

(Id.) G. P., District Judge.) Attestor Venkataswamy might have written it, but I do not exactly remember. I do not remember whether it was mentioned in that letter that the shares of the Bank should also be transferred to my name. The shares have been transferred to my name but I do not remember when they were transferred. I do not remember whether the Bank transferred the shares to my name themselves or after I applied to transfer for the same. I orally intimated to the Bank as regards the Will. I do not remember whether I applied to the Bank in writing asking the shares to be transferred to my name. I informed Thiruvenkataswamy Mudaliar, the Accountant of the Bank as regards the Will. It was in 1935. I understood that the amount transferred to my name by the Bank included also the amount of interest due. I never wrote to the Bank demanding payment of interest. I do not remember whether I informed Mr. Venkataranga Iyengar as regards the transfer of the amount to my name. I might have. I have got with me the pass books, etc., relating to the deposits in the Bangalore Bank. I cannot say why I did not demand payment of interest. I do not remember when Exhibit IX was typed. The portion Exhibit IX(b) may be in the handwriting of my lawyer Mr. S. K. Venkataranga Iyengar. The copy of the Will, *i.e.*, Exhibit VIII was not with me when Exhibit IX was typed. I do not remember whether I myself produced Exhibit VIII into court. Exhibit VIII is the only copy of the Will which I got from Mr. Venkataranga Iyengar. I had Exhibit VIII im my custody when I filed Exhibit VII. I do not remember whether I filed Exhibit VIII along with Exhibit VII. I do not exactly remember whether I obtained attachment of the deposits which was in the name of the minors by alleging that I had produced a copy of the Will. I might have handed over Exhibit VIII the copy of the Will to Mr. Venkataranga Iyengar along with Exhibit VII, but I do not exactly remember. I did not get back Exhibit VIII again. I did not even enquire what became of it. Even by looking at the portion of Exhibit VIII(a) I do not remember whether I myself produced Exhibit VIII into Court as mentioned therein. I do not remember whether notice of Exhibit IX was given to the opposite counsel. On 16th November 1935 on which day Exhibit VII was filed, the Will Exhibit A was with Mr. Venkataranga Iyengar. I do not remember whether I had given instructions to my lawyer not to produce the original Will along with Exhibit VII. I do not know why Exhibit A was not produced along with Exhibit VII. I was told by my lawyer Mr. Venkataranga Iyengar that it was sufficient to file a copy. I do not know when Exhibit A was produced into court. I do not remember whether the opposite side complained that no copy of the Will had been produced into court. I cannot say whether my lawyer told me that no copy of the Will had been produced. I do not remember why I produced Exhibit VIII into Court on 25th March 1936. I do not remember to have consulted my lawyer when I produced Exhibit VIII into court. I represented to court in Mis. 67 of 35-36 that I would adduce evidence in proof of the Will. I took steps to summon my witnesses in that case. Mr. Venkataranga Iyengar ceased to be our family lawyer since August 1935. He is not even my lawyer since the last about 1½ or 2 years. He had come to our house even on the 12th day ceremony after my father's death. Lot of our people had come on that occasion. I informed some of my friends and relatives about the Will. As they are too many, I cannot give out their names. Mr. Venkataranga Iyengar had brought the Will to our house once or twice subsequent to my father's death. I have filed suits both in Civil and Military Station Courts and the City Courts for the recovery of money due to my father. I have not produced copies of the Will in those cases. In one case it was ordered that probate of the Will must be produced. I do not know whether that suit was dismissed as I failed to produce the probate. As I had to pay heavy court fee. I did not apply for probate. I was not willing to apply for probate as I did not like to spend money on it. I remember the date on which the Will was executed, as I had to file suits on the basis of it. There were two or three panchayaties convened to settle our family disputes. Mr. Venkataranga Iyengar was present in those panchayaties and he had brought either the original or a copy. The Will was read out in those panchayaties. I have not cited as my witness any of the panchayatdars. I wrote Exhibit X dated 28th May 1935 to the Bank of Mysore and I have not mentioned therein the date of the Will. I wrote Exhibit X myself and without consulting my lawyer. I got the portion Exhibit X(a) typed as I was addressed by the Income-tax Office like that. Exhibit XI, dated 5th November 1935 was written by my lawyer to the Bank under my instructions. The age of my minor brothers as

as given in the Will Exhibit A may be correct. I do not know whether the ages of each is given less by two years. Exhibit III(a) to Exhibit III is a reply was sent to me by Mr. Suryaprakash, Exhibits XII, dated 12th August 1935, XII(a), dated 23rd August 1935, XII(b), dated 27th August 1935, and Exhibit XII(c), dated 30th November 1935 are other letters which I received from him. I sent the notice Exhibit XIII, dated 1st October 1935 to the first defendant. An attempt was made in vain to settle the family disputes with the help of Mr. Suryaprakash. I do not know whether my father had any written record as regards the house property which he owned. I do not know whether all his immovable properties are mentioned in the Will Exhibit A. My younger brother Kodandaram gave me a notice demanding details of my father's properties and I did not send any reply to him. Neither have I given him his share of his properties, except in regard to a deposit of Rs. 10,000 which I have consented to be given to him. The properties bequeathed to the 2nd defendant are worth about Rs. 10,000 to Rs. 15,000. I did no pay Rs. 5,000 to Gurumurthy as the first defendant did not co-operative with me to carry out the term of the Will. I have not written anything to him in that connection. I do not remember whether Doctor Shankara Rao and Mr. Venkataranga Iyengar ever met together in my house. I do not know whether they know each other. Exhibit XIV, dated 18th April 1935 is in the handwriting of Mr. S. K. Venkataranga Iyengar and it is also signed by him. I hear the allegations made in para 5 of the written statement of the defendants read out. These are all false. My father deposited amount in Banks seven or eight times in names of his minor children. I have no written reference regarding the same. I was not present at the time when he actually deposited Rs. 85,000 in the names of his minor children and the first defendant, neither do I know whether the first defendant was present then. I see Exhibit XV, dated 10th July 1935 which is a reply to the first defendant by the Bank of Mysore and filed along with I. A. 2 in Mis. 67 of 1935-36. I know nothing about its contents. It was on 5th November 1935 that the defendants attempted to withdraw the deposits from the Mysore Bank. On 16th November 1935 the deposits had become matured. The first defendant attempted to withdraw the amount of Rs. 10,000 in deposit in his name on 5th November 1935. I heard that the first defendant with the help of her evil advisers was contemplating to withdraw the deposits. As there were negotiations going on for amicable settlement, I did not file the suit immediately. I did not also find any necessity to file this suit earlier as the deposits had been attached in Mis. 67 of 1935-36. I must have been 18 or 19 years old at the time of my first marriage. My second marriage took place in 1933 or 1934. Both the wives are alive and I have got children by both. I was about 20 years at the time of second marriage. It is false that I had fallen into bad company and that I was of no character and that I was addicted to drink, etc. It is also false that I was married twice on that account. It is also false that I got up the Will and that it is not a genuine one as alleged by the first defendant. I asked Mr. Venkataranga Iyengar whether he had the Will in his personal custody or whether he had kept it in any Bank for safe custody. I do not know why the Will was not deposited with the District Registrar, nor why was it not registered. I do not know whether my father had instructed that it should not be deposited with the District Registrar and that it should not be registered. I do not remember my father had executed any other Will prior to Exhibit A. Rs. 30,000 worth of Government India Bonds were with my mother, and she has got them even now. They were with me after my father's death for about one or one and half months. I do not remember the date of that. The bonds which were in the name of my father are transferred to my name on 16th January 1935. I have transferred them to the name of the Trustee of whom I am one.

Re-examination.—I demanded the bonds from my mother as per notice Exhibit XIII. She never gave a reply. She did not even give the bonds. As my father was too weak to write, he affixed his thumb marks to the Will Exhibit A. I was also present when Exhibit A was read out to my father by Mr. Venkataranga Iyengar and I also heard the contents thereof, what he read was exactly what is contained in Exhibit A. My father has also affixed his thumb mark in several places in Exhibit A. As regards the portions which were added or altered as per his desire when the Will was being read out. Exhibit VIII is initialled and dated by Mr. Venkataranga Iyengar. The date which Mr. Venkataranga Iyengar has put in Exhibit VIII is the same as contained

in Exhibit VI. Subsequent to the date of Exhibit VI, Mr. Suryaprakash never asked me orally or in writing for a copy of the Will. The accounts as regards the remunerations due to Mr. Venkataranga Iyengar are not yet finally settled. I paid him Rs. 400 as he demanded his fee in regard to the Will, and O. S. 22 of 1934. Venkataswamy stated before me Mr. Venkataranga Iyengar and my mother that he had paid the amount which he had borrowed from my father and therefore I stated that he had dischared that debt. I learnt that Doctor S. Subba Rao had come to see my father on 7th January 1935 or 8th January 1935 during my absence and when my father was in his last stages. (Mr. M. P. S. wants to file through this witness an intimation received from the Bangalore Bank as regards the amount transferred to the accounts of the minors.....Mr. M. K. objects on the ground that the above letter was not produced in court in time. As one cannot possibly anticipate the trend of cross-examination he cannot be expected to file in court previously all the documents which may serve as explanations to the answers elicited in the course of cross-examination. It was during the course of the examination of the witness that Mr. M. K. elicited from the witness that he had received an intimation from the Bank. Therefore the witness cannot now be precluded from filing the alleged letter containing that intimation. The objection is over ruled. Mr. M. K. wants me to note that the Bangalore Bank is in liquidation. Exhibit C, dated 8th January 1935 is the intimation given to my father by the Bank and Exhibit C1 is the one sent to me. I utilised the amount for paying the Doctor's bills, to meet the expenses of the obsequeies of my father to pay taxes, to meet the bills in connection with the contract work which myself and my father were doing to pay insurance premiums, income-tax, etc. I paid Rs. 400 to Mr. Venkataranga Iyengar on 25th May 1935 out of that amount. I spent whatever balance there was to advance loans and make other investments. I had given Exhibit VIII to Mr. Venkataranga Iyengar at the time of filing Exhibit VII. It had not been stitched along with Exhibit VII. He might have forgotten to file it along with Exhibit VII. One witness was examined in Mis. 67 of 1935-36. I had brought other witnesses also, but they were dispensed with as there were nagotiations going on. I did not give replies then and there to each of the notices which were sent to me by Mr. Suryaprakash, on account of this litigation; I did not put into action the terms of the Will. As Gurumurthy being an attestor of this Will, I did not intimate to him that Rs. 5,000 had been bequeathed to him. Balakrishna Mudaliar the attestor of the Will was then a tenant in the out-house attached to our Bungalow. Nanjundappa was frequently coming to my father and he was present when the Will was being read out. Pandit Narasimhayya was present as he was treating my father. Gurumurthy and Puttayya were staying in our house then on account of the illness of my father. Gurumurthy was always living in our house as he is the husband of the 2nd defendant.

Taken down by me and read over to the witness and admitted by him to be correct.

(Sd.) G. PARAMASIVIAH,
District Judge,
24-6-39.

Exhibit P143.

List of document produced by the plaintiff of defendant. O. 13. Rule I.
Form No. 72, Civil.

Hg. 12-6-39.

IN THE COURT OF THE DISTRICT JUDGE AT BANGALORE.

ORIGINAL SUIT No. 11/1937-38.

By Advocate with documents as per list.

Plaintiff: K. M. Narayana Reddy. *vs.* *Defendants*: Lakshmamma and another.

No.	Description of document	Date if any, which document bears	Remarks
1	Postal acknowledgment of registered letter No. 21.	25-7-1935	Signed by the plaintiff.
2	Plaintiff's postal acknowledgment.	27-8-1935	.....
3	Plaintiff's postal receipt and postal acknowledgment.	9-12-1935	.....
4	Letter (Typed)	29-7-1935	Addressed to late *Rao Sahib* C. N. Suryaprakash by Narayana Reddy and signed by K. M. Narayana Reddy.
5	Letter and cover	1-10-1935	Plaintiff's letter addressed to 1st defendant with covering letters.
6	Typed letter and cover	4-1-1936	Plaintiff's letter addressed to late *Rao Sahib* C. N. Suryaprakash.

(Sd.) G. K. RAGHAVENDRA RAO,
for Mr. M. Krishna Murthy, Advocate for Defendants.
Signature of Party or Pleader.

Exhibit P143 (1).

No. 01. For insurance notices see reverse. Stamps affixed in case of uninsured letters not exceeding $2\frac{1}{2}$ totals or one ounce in weight or on which no acknowledgment is due. $5\frac{1}{2}$ As.

Received a registered

Addressed to K. M. Narayana Reddy. Bangalore.

Not clear.

Initials of Receiving Officer.

* Write here " letter ", Post-card " " Packet or Parcel with the word " Insured " below when necessary.

Insured for Rs. (in figures).....in words.....

Weight in words..... Rates / Tolas.

Insurance fee Rs. ....As. ..... (in words) ....

Name and address of sender. District Court,

O. S. 11/1937-38.
(Intd.) G. K. R. Rao,
for Defendant,
6-6-39.

Exhibit P143 (2).

District Court O. S. 11/1937-38. (Intd.) G. K. R. Rao for Defendent. 6-6-39.

Acknowledgment.

(To be returned to office of posting for delivery to sender.)

Received a registered .....No. .....

Addressed to (name) Mr. K. M. Narayana Reddy, 22, Cambridge Road, Ulsoor, Bangalore.

Insured for Rs. .....
Weighing (in words). .....
Signature of addressee—K. M. Narayana Reddy.
Date of delivery—27th August 1935.

On Postal Service. 5

To

Sender's name and address. C. N. Suryaprakash, B.A., B.L., Advocate, Osborne Road, Bangalore.

Bears three Postal date stamps, as follows :—
(1) Quadrant Square, Reg. 24th August 1935. 10
(2) Bangalore, 27th August 1935.
(3) Bangalore. Dely. 28th August 1935, 8-30 A.M

Exhibit P143 (3).

O. S. 11/1937-38 (Id.) G. K. R. Rao for Defendant 6-6-39. 15

Acknowledgment.

(To be returned to office of the posting for delivery to sender.)
Received a registered.....letter No. .....
Addressed to (name) Mr. K. M. Narayana Reddy, 22, Cambridge Road, Ulsoor Bangalore. 20
Insured for Rs. .....
Weighing (in words) .....
Signature of addressee—K. M. N. Reddy.
Date of delivery—9th December 1935.

On Postal Service. 25

To
Sender's name and address. C. N. Suryaprakash, Osborne Road, Bangalore.

Bears three Postal date stamps.
(1) Bangalore, 9th December 1935.
(2) Bangalore, Dely. 10th December 1935, 8-30 A.M. 30
(3) Bangalore not visible.

Registered for Acknowledgment.

Exhibit P143 (4).

District Court O. S. 11/1937-38. (Id.) G. K. R. Rao for Defendants 6-6-39. 35
Bears R. Ulsoor 69 5a.
Mrs. Lakshmamma, wife of late Mr. K. Muninanjappa, No. 13-G. No. 5 Street, Jougupalyam, Ulsoor.
Affixed Two Postal Stamps of one anna and annas four bears Postal date stamp. (2) Another Postal date; Bangalore. Reg. 20th October 1935 10-30 A.M. 40

Exhibit P143 (5).

District Court O. S. No. 11/1937-38. (Id.) G. K. R. Rao for Defendant 6-6-39.
Affixed two postage stamps of as. 0-1-3 and as. 4. 6 a. R. 748 Bangalore Fort. 45
Registered for acknowledgment due.

To

Rao Bahadur C. N. Suryaprakash, Esq., B.A., B.L.,
Advocate, "Grasmere", Osborne Road,
Civil and Military Station, Bangalore. 50

From

K. M. Narayana Reddy,
22, Cambridge Road, Ulsoor,
Civil and Military Station, Bangalore.

Exhibit P143 (6).

No. 119.

Dated 24th July 1935.
Dist. Ct. O. S. 11/37-38.
(Id.) G. K. R. RAO,
For *Deft.*
6-6-39.

Mr. Narayana Reddy, son of Muninanjappa,
Cambridge Road, Ulsoor, Bangalore.

Sir,

Re ESTATE OF MUNINANJAPPA.

I am instructed by Srimathi Lakshmamma, widow of the late Muninanjappa and guardian of her minor sons, that you have informed her that her late husband has left a Will and that Mr. S. K. Venkataranga Iyengar, Advocate, Bangalore, is in possession thereof. She is not aware of the execution of the said Will nor does she know what are the contents thereof. She further informs me that she has been asking you for a copy of it and that she has been constantly put off.

I am further instructed that you are at variance with her claiming under the said Will, have taken possession of certain property which you are wasting.

I am also instructed to call upon you which I hereby do to furnish me with a copy of the alleged Will of Mr. Muninanjappa, so that she may take steps to safeguard the estate.

Exhibit P143 (7).

"GRASMERE", OSBORNE ROAD, BANGALORE.
Dated 31st July 1935.

Rao Sahib C. N. Suryaprakash, B.A., B.L.,
Advocate and Notary Public,
Official Receiver, Public Prosecutor
and Government Pleader.

District Court O. S. No. 11/37-38.
(Id.) G. K. R. RAO,
For *Deft.*
6-6-39.

E. Ahobalanath, B.A., B.L.,
Advocate.

No. 124 to 132.

Re ESTATE OF MUNINANJAPPA.

I am instructed by my client Srimathi Lakshmamma, widow of the late Mr. K. Muninanjappa and guardian of his minor children that you are a tenant in possession of premises No.

Bangalore, belonging to the estate of late Mr. K. Muninanjappa.

My client is entitled to the rent from the said premises and I am further instructed to request you to pay the rent due by you to her and receive receipts duly signed by her.

I am also instructed to state that she will not recognise payments made to any one else or receipts obtained from any one else and that if you should pay the rent to any one else, you will be doing so at your own risk.

Yours faithfully,

Exhibit P143 (8).

No. 147.

District Court O. S. No. 11/37-38.
(Id.) G. K. R. RAO,
For *Deft.*
6-6-39.

Dated 12th August 1935.

Mr. K. M. Narayana Reddy,
No. 22, Cambridge Road,
Bangalore.

Sir,

Re ESTATE OF MUNINANJAPPA.

With reference to yours of the 29th ultimo, I am instructed to state that your mother, my client, knows nothing of the Will except from hearsay and that all your imputations are false. She repudiates all your statements and suggestions. It is curious that you have not sent me a copy of the Will when you purport to claim rights of guardianship under it. A communication to Mr. Venkataranga Iyengar has elicited no reply.

I am further instructed that you were responsible for driving away your mother from the house by your ill-treatment of her and that you have been doing everything in your power to annoy her and to put her and all her other children to every possible inconvenience and trouble. My client is at a loss to understand what you mean by "family belongings."

I am further instructed that you are in the hands of evil advisors and that it is false that you are acting either in pursuance of your father's wishes or for the benefit of the estate with your mother's knowledge and consent.

My client does not understand what you mean by stating 'persons interested in the family have been meeting often at my mother's wishes and are arranging things according to her liking.' Your mother has no other interests than those relating to the safeguarding of the estate and the welfare of all her children.

Yours faithfully,

Exhibit P143 (9).

Rao Sahib C. N. Suryaprakas, B.A., B.L.,
Advocate and Notary Public Official Receiver,
Public Prosecutor and Government Pleader.

"Grasmere", Osborne Road, Bangalore.
23rd Aug. 1935.

E. Ahobalanath, B.A., B.L.,
Advocate, No. 166.

District Court, O. S. 11/37-38.
G. K. R. RAO, *for Deft.*
6-6-39.

Mr. K. M. Narayana Reddy,
22, Cambridge Road,
Ulsoor, Bangalore.

SIR,

I am instructed by Srimathi Lakshmamma your mother that you interfering with the land and out-houses belonging to her and adjoining No. 22, Chambridge Road and that the said plot of land and buildings are her own and that you have no business to interfere with anything thereon or relating thereto.

I am further instructed that valuable timber of the value of about Rs. 5,000 is lying thereon and that you are interfering with it and have already disposed of a good quantity of the timber.

I am further instructed that you are trying to obtain possession of the buildings unlawfully and are medling there with besides attempting to dig pits in the said land.

I am also instructed to call upon you to desist from further interference, to make good the loss you have caused already and apologise for the unlawful acts done by you.

I am also instructed that in case of your failure to do so criminal proceedings will be instituted against you without further notice.

Yours faithfully,

Exhibit P143 (10).

District Court, O. S. 11 of 37-38.

(Ind.) G. K. R. Rao,
For *Defendant.*
6-6-1939.

M. R. Ry.
Rao Sahib C. N. Suryaprakash, Avl., B.A., B.L.,
Advocate, Osborne Road,
C. & M. Station, Bangalore.

S. K. Venkataranga Iyengar, B.A., B.L.,
Advocate and Municipal Councillor,
Bangalore City.

Exhibit P143(11).

IN THE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE, BANGALORE.

Criminal Case No. 1 of 39-40.

(Ind.) R. P. M.,
S. F. C. M.
2-5-40.

Ex. P114.

*12*b

District Court O. S. 11 of 37-38.
(Ind.) G. K. R. Rao,
For *Defendant.*
6-6-39.

The Prescription.

Mr. Muninanjappa,
Bangalore Pharmacy,
Chemists and Druggists,
18, South Parade,
Bangalore.

198.

Date 7-1-35.
Book No. 28/50843-44.

Exhibit P143(12).

District Court, O. S. 11/37-38. 13 (*a*)
(Ind.) G. K. R. Rao,
For *Defendant*,
6-6-39.

M. R. Ry.
K. M. Narayana Reddy, Esq.,
Landlord, Ulsoor.
District Court, Bangalore,
Produced in O. S. 11 of 37-38, for Defendants.
(Ind.) M. K. Murthy,
6-6-39

Exhibit P143 (13).

District Court, O. S. 11—37-38.
(Ind.) G. K. R. Rao,
For *Defendant.*
6-6-39.

No. F. 1765.

Memorandum.

From

The Income-tax Officer,
C. & M. Station, Bangalore.
Dated 24th July 1935.

To

Srimathi Lakshmamma,
(Mrs.) K. Muninanjappa,
13, G. No. 5 Street, Jougupalyam,
Ulsoor.

Income-tax assessment—Mr. K. Muninanjappa.
Your letter dated 16th July 1935.
Regret, the list asked for in the above referred letter cannot be supplied.

(Sd.) S. KUPPASWAMI,
Income-tax Officer.
(Ind.) Not clear,
25-7-35.

Rubber Stamp " Despatched, 26th July 1935."

Exhibit P143 (14).

District Court O. S. 11 of 1937-38,
(Ind.) G. K. R. Rao for Defendant,
6th June 1939.

R. P. 54.
Old R. & P. 4.

ACKNOWLEDGMENT.

(To be returned to office of posting for delivery to sender).

Received a registered* letter..... . .....No.....addressed to (name) Mr. B. M. Venkataswamappa..... .. ..1-G., No. 6 Street, Jougupalyam, Bangalore.

Insured for Rupees ....
Weighing (in words).... ....Tolas/Rate

Signature of addressee.— (Sd.) M. Venkataswamy.

Date of Delivery..... .....9th December 1935.

201.

ON POSTAL SERVICE.

To

Sender's name and Address. } Mr. C. N. Suryaprakas,
5, Osborne Road,
Bangalore.

Name-stamp of office of posting Two Rubber stamps of Post Office.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

B. S. C. No. 30 OF 1939-40.

District Court O. S. 11 of 1937-38.
(Intd.) G. K. R. Rao for Defendant,
6th June 1939.

Exhibit P143 (15).

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

MIS. CASE No. 67 OF 1935-36.

Applicant:—
Mr. B. B. Bharda,
Medical Practitioner,
No. 12, Curve Road,
Tasker Town,
Bangalore.

The applicant took on lease premises No. 12, Curve Road, Tasker Town, Bangalore, from the late Mr. K. Muninanjappa and after his death he has received a notice

No. 125, dated 31st July 1935, from Mr. C. N. Suryaprakash, B.A., B.L., Advocate, Bangalore, on behalf of Srimathi Lakshmamma, wife of late Mr. K. Muninanjappa and guardian of the defendants, claiming rents of the said premises for herself.

2. The petitioner, in this case, K. M. Narayana Reddy has been similarly demanding rents from the applicant. The applicant, though he has been ready and willing to pay the rents to whosoever is duly authorised to receive the same, has been unable to do so in this state of dispute between the rival claimants. In the meantime, the premises have not been kept in good repair and the applicant has had to pay also the Municipal assessment for the years as noted below.

3. The applicant is prepared to deposit in Court the amount of rents due by him, less payments made as above for the Municipal Assessment and the same may be paid over to such party as the Court directs.

4. The applicant, while he is anxious not to be dragged into Court and made to incur expenses in this matter, wishes to be discharged from liability by paying to the right party. Hence this application.

5. The applicant, therefore prays that he might be permitted t the amount into Court.

6. The applicant further prays that he might be permitted to get and urgent repairs and white-washing done to the house, which have done for years and deduct the charges from the rents due by him.

Particulars of amounts due by the applicant.

Advocate for the applicant.

Bangalore,
Dated, August 1936.

Exhibit P143(16).

From

M. Venkataswamy,
Contractor,
No. 1, G. No. 6 Street,
Ulsoor, Bangalore.

To

Srimathi Lakshmamma,
wife of late Mr. K. Muninanjappa Reddy,
Door No. 13, G. No. 5 Street,
Ulsoor, Bangalore.

Dear Madam,

You are aware that your husband, late Mr. K. Muninanjappa left a Will providing for the distribution of his properties after his life time. He devised a sum of Rs. 30,000 in the form of Government of India Treasury Loan Bonds, as described hereunder, to be invested on Charities, for the purposes stated in the Will.

You are also aware that to give effect to the above he appointed three trustees including myself. The Schedule Bonds were in the first instance endorsed in the name of Mr. K. M. Narayana Reddy, the eldest son, who was also nominated a trustee. At your desire he endorsed the same in favour of all the three trustees delivered the Bonds to be kept by you in safe custody as you were one of the executors of the Will.

Six and a half per cent Bonds of the value of Rs. 25,000 have matured and the interest thereon has ceased to run from 15th September 1935, when they matured for payment. When I demanded my co-trustee Mr. K. M. Narayana Reddy, who is also an executor to make arrangements for the encashment of the Bonds, he pleaded that in spite of repeated reminders, you have not responded to his request to return the Bonds to the trustees.

I am sure you are as much alive to the necessity of respecting the intentions of the deceased as we are. We have to rely on your co-operation in a matter like this, where the money will have to be laid out on the charities specified in the Will.

I am therefore adding to the request made by my co-trustee, Mr. K. M. Narayana Reddy, and shall feel obliged, if you can kindly send the Bonds to the trustees namely, myself, Mr. K. M. Narayana Reddy and Mr. S. K. Venkataranga Iyengar. The sooner you do so the better as I am anxious that we should go ahead in spending the amount in furtherance of the charities.

I shall thank you for a ready response within three days from the receipt of this letter.

Yours faithfully,
(Sd.) M. Venkataswamy.

Exhibit P143 (17).

Affixed a No. R. 163, Ulsoor. Affixed Re. 0-0-3 and Re. 0-4-0 Postage stamps on one anna cover.

To

Srimathi Lakshmamma,
wife of late Mr. K. Muninanjappa Reddy,
No. 13, G. No. 5 Street, Ulsoor, Bangalore.

From

M. Venkataswamy, Contractor, No. 1, G. No. 6 Street,
Ulsoor, Bangalore.

District Court O. S. No. 11 of 37-38 G. K. R. Rao for Defendant.
6-6-39.

Bears Postal Date Stamp, dated 17th January 1936.

Endorsement:—Absent, 17th January 1936. (Id.) Not clear.

Exhibit P144.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Hearing, 21st June 1939.

O. S. No. 11 OF 37-38.

Plaintiff: K. M. Narayana Reddy. *Vs.* *Defendants*: Lakshmamma and another

Defendants' Witness List.

		Stamp. Rs.	a.	p.	*Batta.* Rs.	a.	p.
1.	The Manager, Bank of Mysore, Ltd., Avenue Road, Bangalore City. (To produce or cause to be produced the correspondence between the Mysore Bank, Ltd., and Mr. K. M. Narayana Reddy and the Mysore Bank, Ltd., and Lakshmamma, widow of late Mr. Muninanjappa in the year 1935 regards the nine Fixed Deposit Receipts Nos. 43—449 to 43—457.	0	10	0	1	8	0
2.	Dr. Y. Shanker Rao, Car Street, Ulsoor, Civil and Military Station, Bangalore.	0	5	0	1	8	0
3.	Mr. E. Ahobalanath, Advocate, Civil and Military Station, Bangalore. (To cause to be produced the entire file of papers, *re* late Mr. Muninanjappa's estate entrusted to the Office of late Mr. C. N. Suryaprakas.)	0	2	0	1	8	0
4.	Dr. S. Subba Rao, Retired Senior Surgeon, Visveswarapuram, Bangalore City.	0	5	0	2	0	0
5.	Nanjappa Reddy, Appireddypalyam, Bangalore Taluk.	0	5	0	1	0	0
	Total	1	11	0	7	8	0

The defendants herewith produce a court fee stamp of Rs. 1-11-0 and deposit Rs. 1-8-0 only for the 1st witness to whom summons may be sent through Court, summons to 2 to 5 may be handed over to the party for personal service. The batta fixed by the Court will be paid to the witnesses by the party

5 BANGALORE CITY,
Dated 16th June 1939.

(Sd.) M. Krishna Murthy,
Advocate for Defendants.

Exhibit P145.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

10 BANGALORE SESSIONS CASE No. 30 OF 1939-40.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

S. 11 of 37-38.

Plaintiff.—K. M. Narayana Reddy.
Defendants.—1. Lakshmamma.
15 2. Sharadamma.

Witnesses list on behalf of the plaintiff.

		Stamp. Rs. a. p.	*Batta.* Rs. a. p.
1.	Mr. O. S. N. Sherrif, Official Liquidator, The Bangalore Bank Ltd., in liquidation, South Parade, C.&M. Station, Bangalore. To cause production of all references relating to Fixed Deposits made by late Muninanjappa, Contractor, Ulsoor, from 1924 onwards in the said Bank in his name and in the names of the plaintiff, the defendants and other children of the said Muninanjappa and relating to the changes in names of the depositors made while renewing the said deposits and Muninanjappa's letters, dated 6th January 1935 to the Bank.	0 5 0	1 0 0
2.	The Manager, the Bank of Mysore, to cause production of references relating to the Fixed Deposits made by late Muninanjappa in November 1934 in the names of Lakshmamma, Sharadamma, Kodandarama Reddy and other children of Muninanjappa with letters, if any, written by him in that connection.	0 5 0	1 0 0
3.	Ramachandra Rao, Clerk of Anekal Thimmiah's Mandy, New Tharagupet, Bangalore City.	0 2 0	1 0 0
4.	M. Venkatasamy, Contractor, Mavalli, Bangalore City.	0 10 0	1 0 0
5.	Mr. S. K. Venkataranga Iyengar, B.A., LL.B., Advocate, Chikpet, Bangalore City.	0 2 0	1 8 0
6.	Hosakote Nanjundappa, Jougupalya, Ulsoor	....	....
7.	Panditha Narasimiah of Anugondanahalli, now in Malleswaram, Bangalore City.	....	....
		1 8 0	5 8 0

Stamps for Rs. 1-8-0 and batta cash Rs. 3-8-0 produced. Processes and batta to witnesses 6 and 7 are available in Court and they may be issued. Balance of batta is available in court. Processes to witnesses 1 to 3 and 5 to 7 may be given to plaintiff's hand for service and that to witness number 4 may be served through the Official Agency.

(Sd.) M. P. SOMASEKHARA RAO,
Advocate for Plaintiff.
24-6-39.

Exhibit P146.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

FRIDAY, THE EIGTH DAY OF DECEMBER 1939.

Present.—Sir D' Arcy Reilly, Chief Justice and
Mr. Justice T. Singaravelu Mudaliar.

Miscellaneous Appeal No. 1 of 39-40.

1. Lakshmamma.
2. Sharadamma.

Defendants (Appellants).
(By Mr. M. Krishna Murthy).

Vs

K. M. Narayana Reddy.

Plaintiff (Respondent).
(By Mr. M. P. Somesekhara Rao).

Miscellaneous appeal against the order, dated 4th April 1939, passed by the District Judge of Bangalore in Original Suit No. 11 of 1937-38 on I. A. No. 1, making absolute the exparte order of temporary injunction passed on 2nd October 1937.

This appeal coming on for hearing this day, the Court delivered the following :—

JUDGMENT.

The plaintiff bases his suit on an alleged Will of his father, Muninanjappa under which he would be one of the executors. He professes to be anxious to perform his duties as Executor. Nevertheless he did not produce the Will for more than two years, and did not apply for probate until nearly 4½ years, after his father's death. This delay is the more remarkable because, until the plaintiff has been recognized as Executor, he cannot perform the duties which he professes to be anxious to perform in respect of the deposits in the Bank of Mysore, which are the subject of this suit. When it is remembered also that Muninanjappa at the time he made these deposits in the Bank about two months before his death distributed seven other deposits similarly in the names of his minor children, we may say without expressing any opinion on the merits of this suit that it is difficult to agree with the learned Judge that a *prima facie* case has been made out by the plaintiff. The learned Judge does not appear to have allowed enough weight to the strange and harassing conduct of the plaintiff nor to the unfairness of keeping the defendants under a temporary injunction, as his order already does, almost five years after Muninanjappa's death.

This appeal is allowed, and the temporary injunction made by the learned Judge is dissolved. The plaintiff will pay the appellants' costs. (Advocate's fee Rs. 25.)

(Sd.) H. D. C. REILLY, *Chief Justice.*
"Copy" (Sd.) T. SINGARAVELU MUDALIAR, *Judge.*
(Sd.) D. L. ACHARYA, *Deputy Registrar.*

The amount of costs payable by the respondent-plaintiff to the defendants appellants is Rs. 37-6-0 only as per memorandum of costs hereunder.

Memorandum of costs incurred in this appeal.—

	By the appellant. Rs. a. p.	*By the respondent* Rs. a. p.
Court fee on the Memorandum of appeal....	2 0 0	....
Court fee on Power-of-attorney	2 0 0	1 8 0
"Copy" of order	0 10 0	....
Process fee	0 10 0	....
Advocate's fee	25 0 0	25 0 0
Fees for copying	7 2 0	....
Total	37 6 0	26 8 0

(Sd.) D. L. Acharya,
Deputy Registrar.

"Copy" (Sd.) D. L. Acharya,
Deputy Registrar.

Exhibit P147.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

ORIGINAL SUIT No. 38 OF 1939.

5 *Plaintiff.* *Defendants.*

K. M. Narayana Reddy. *Vs.* Lakshmi Ammal and others.

To

The Additional District Judge,
Bangalore City.

10 Whereas the abovementioned suit is pending in this Court in which K. M. Narayana Reddy is the plaintiff and Lakshmi Ammal and another are defendants and in the said suit the plaintiff claims probate of the Will of the late Muninanjappa Reddy and whereas it has been represented to the said Court that it is necessary for the purpose of justice and for due determination of the matters in 15 dispute between the parties, the following document is required namely the original Will said to have been executed by the late Muninanjappa Reddy and said to have been produced in your Court in O. S. No. 11 of 37-38 and it appearing that such a document is very essential for the purpose of decision in this case now I, P. Medappa, Esq., B.A., B.L., District Judge of this Court have the honour to 20 request and do hereby request that for the reasons aforesaid and for the assistance of this Court you, the Judge of the said Additional District Court of Bangalore City to cause the production of the said document through some responsible official of your Court at 11 A.M., before this Court on Monday the 26th February 1940.

A sum of Rs. 2 is herewith sent being the witness batta in the above case.

25

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) P. MEDAPPA,
District Judge

30 Exhibit P148.

Order Sheet in Mis. 191—38-39 on the file of the District Judge, Bangalore.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

35 MIS. No. 191 OF 1938-39.

Petitioner. *Opponent.*

Lakshmamma. *Vs.* Mr. S. K. Venkataranga Iyengar, *Advocate.*

40 This is an application under Section 12 of the Legal Practitioners' Act, X of 1928, filed by the petitioner praying that the opponent may be called upon to show cause why he should not be dealt with under the said Act for reasons stated therein.

Copy of petition should be filed and issue notice to opponent by 12th 45 June 1939.

(Id.) G. P.,
District Judge,
8-4-39.

Petitioner's advocate by Mr. P. B.—Notice to opponent not issued for want of 50 a copy of the petition. Now given. Issue by 26th June 1939.

(Id.) A. S. R.,
12-6-39.

Petitioner by Mr. M. K. M. Opponent by Mr. B. V. Rao. Opponent served personally, objections by 17th July 1939.

(Id.) A. S. R.,
26-6-39.

Objections 19th July 1939.

(Id.) A. S. R.,
17-7-39.

Petitioner by Mr. M. K. M. Opponent by Mr. C. N. Rao. Objections filed. Reply 26th July 1939.

(Sd.) A. S. R.,
19-7-39.

Petitioner } as before. Reply filed. Arguments, 1st August.
Opponent }

(Id.) A. S. R.,
26-7-39.

Petitioner by Mr. M. K. M. Opponent by Mr. B. V. Rao, for Mr. S. V. Arguments, 15th August 1939.

(Id.) A. S. R.,
1-8-39.

Petitioner by Mr. M. K. M. Opponent by Mr. B. D. ab. Arguments 16th August 1939.

(Id.) A. S. R.,
15-8-39.

Petitioner by Mr. M. K. M. Opponent by Mr. B. V. P. Arguments heard. Orders 21st August 1939.

(Id.) A. S. R.,
16-8-39.

Not ready. Bring up 22nd August.

(Id.) A. S. R.,
21-8-39.

Parties ab. Order pronounced in open Court. Petitioner to have her allegations by 15th September 1939.

(Id.) A. S. R.,
22-8-39.

On account of Kolar Sessions, adjourned to 5th October 1939.

B. O.,
(Id.) S. N. A.,
Sheristedar,
15-9-39.

As the Judge is on casual leave to-day adjourned to 11th October 1939.

B. O.,
(Id.) V. L. R.,
Sheristedar.
5-10-39.

Petitioner by Mr. M. K. M. Opponent. Mr. M. K. M. states that he has no other evidence to adduce in the case except exhibiting records of the Mis. Case 67/35-36. These records are submitted to H. C. Petitioner may summon them by 15th November 1939.

(Id.) A. S. R.,
11-10-39.

On account of Bangalore Sessions, adjourned to 12th December 1939.

(Id.) A. S. R.,
15-11-39.

On account of Kolar Sessions, adjourned to 12th January 1940.

B. O.,
(Id.) V. L. R.,
Sheristedar.

Petitioner by Mr. M. K. Murthi. Opponent. Records in Mis. 67—35-36 as ordered on 11th October 1939, not summoned by the petitioner. Adjourned to 14th February 1940.

(Id.) H. N.,
12-1-40.

Petitioner by Mr. M. K. Murthi, wants a week's time to consider what should be done. So adjourned to 26th February 1940.

(Id.) H. N.,
14-2-40.

Petitioner by Mr. M. K. Murthi says that this case may be taken up to-morrow. So adjourned to 27th February 1940.

(Id.) H. N.,
26-2-40.

As the Court is engaged in rendering evidence in O. S. 47/31-32 adjourned to 1st March 1940.

(Id.) H. N.,
27-2-40.

Petitioner by Mr. M. K. Murthi. Heard. Mr. M. K. Murthi. Orders on 6th March 1940.

(Id.) H. N.,
1-3-40.

Order filed separately dropping the proceedings and dismissing the application.

(Id.) H. N.,
6-3-40.

Exhibit P149.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE AT BANGALORE.

B. S. C. No. 30 OF 1939-40.

Petition filed by Lakshmamma on 5th April 1939 in Mis. Case No. 191 o 1938-39 on the file of the District Judge, Bangalore.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

MIS. CIVIL PET. 191 OF 38-39.

Petitioner.—
Lakshmamma, widow of late Mr. Muninanjappa,
Gandhinagar, Bangalore City.

Vs.

Opponent.—
Mr. S. K. Venkataranga Iyengar,
Advocate, Chikpet, Bangalore City.

Under Section 12 of the Mysore Legal Practitioners Act, X of 1928.

The petitioner abovenamed begs to state as follows:—

(1) The opponent abovenamed is the practising Advocate under the Sannad granted to him by the Hon'ble the High Court of Mysore.

(2) The said opponent presented the petition on 16th November 1935 in Mis. 67 of 35-36 on the file of this Hon'ble Court on behalf of one K. M. Narayana Reddy, and actively conducted the proceedings in the said case till 4th March 1937.

(3) In the original petition in the said Mis. 67/35-36, one of the paragraphs runs as follows:—

"The deceased left a Will a true copy of which is herewith filed under which he appointed the Petitioner and his wife Lakshmamma aforesaid as joint executors and guardians of the person and properties of the minors"

(4) The allegation in the said paragraph that "*A true copy of which is herewith filed*" is false. [L. T. Mark] Left Thumb Mark of Srimathi Lakshmamma. It is false to the knowledge of the opponent abovenamed, as well as to the knowledge of the petitioner in Mis. 67/35-36. No copy of the alleged Will has been as a matter of fact filed as alleged in the original petition and the papers accompanying the petition.

(5) The opponent has recourse to such a false allegation for assisting his client, the said Narayana Reddy in a claim advanced on the basis of an alleged Will of his father.

(6) According to the opponent himself, he was the custodian of the Will, from the date of its alleged execution. On 16th November 1935, when the petition in Mis. 67/35-36 was filed in Court, the opponent had the custody of the said Will. Though the petition in Mis. 67/35-36 asserted that a copy of the alleged Will was filed, it was not as a matter of fact filed at all. After a number of repeated representations to the Court on behalf of the petitioner (who was the opponent in the said Mis. 67/35-36) the opponent put the original Will into Court on 4th March 1937.

(7) The present petitioner states that the alleged Will is a spurious document got up by the said Narayana Reddy with the active assistance of the present opponent. According to the alleged Will, opponent is one of the alleged trustees entitled to the possession of Rs. 30,000 belonging to the estate of the petitioner's husband.

(8) With full knowledge of the alleged Will being in his custody, the repudiation thereof by the present petitioner, the necessity of his entering into the box as a witness and other surrounding circumstances the opponent filed the petition in the said Mis. 67/35-36 containing the [L. T. Mark] Left Thumb Mark of Srimathi Lakshmamma) false recital regarding the production of a copy of the alleged Will. In submitting to the presiding judicial officer of this Hon'ble Court that a true copy of the alleged Will was filed in the said Mis. 67/35-36 while as a matter of fact it was not filed, and in securing court orders exparte against the present petitioner, in support of his client's false claim, the opponent has practised deceit on the Court, unbecoming a practising Advocate. The petitioner submits that his aforesaid conduct deserves to be taken serious notice of by this Hon'ble Court.

Wherefore the petitioner prays that the opponent be called upon to show cause why he should not be dealt for his aforesaid conduct under the Legal Practitioners Act.

The petitioner submits that in the interests of pure administration of justice and to safeguard against the abuse of court process it is essential that suitable proceedings are taken against the opponent under the Legal Practitioners Act.

[L. T. Mark] Left Thumb Mark of Srimathi Lakshmamma,
widow of late Mr. K. Muninanjappa,
Petitioner.

BANGALORE CITY,
5th April 1939.

(Sd.) M. KRISHNA MURTHY,
Advocate for Petitioner,
5-4-39.

B. S. C. 30/39-40.

Exhibit P149 (*a*).

(Id.) A. S. R.,
Second Additional Sessions Judge,
23-7-40.

Verification.

I, Lakshmamma, petitioner abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

[L. T. Mark] Left Thumb Mark of Srimathi Lakshmamma,
widow of late Mr. K. Muninanjappa,
Ulsoor, Bangalore,
Petitioner.

BANGALORE CITY,
5th April 1939.

Exhibit P150.

Objections filed by the opponent in Civil Petition No. 191 of 1938-39, on 19th July 1939.

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE.

BANGALORE SESSIONS CASE 30 OF 1939-40.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

CIVIL PETITION NO. 191 OF 1938-39.

Petitioner: Lakshmamma, widow of late Mr. Muninanjappa, Ghandinagar, Bangalore City.

Vs.

Opponent: Mr. S. K. Venkataranga Iyengar, Advocate, Chikpet, Bangalore City.

The opponent herein begs to file the following objections to the petition :—

1. Paras 1 to 3 of the petition do not call for a reply.

2. (*a*) Para 4 of the petition is incorrect. It is true that a copy of the Will was not filed along with the petition but this was due to an inadvertence.

(*b*) The allegation in para 4 of the petition that the copy of the Will had been produced with the petition in Mis. 67 of 1935-36 was false to the knowledge of this opponent and the petitioner in Mis. 67 of 1935-36, is maliciously false to the knowledge of the present petitioner.

Exhibit P150 (*a*).

(*c*) [When the petition in Mis. 67 of 1935-36 and the interlocutory application I. A.(i) were moved before the then presiding Judge for urgent orders exparte, the copy of the Will referred to in that petition and intended to be filed along therewith was used by this opponent for reading out portions thereof to the presiding Judge to establish a case for urgent orders. It turns out that by sheer oversight that copy was not filed though to the best of this opponent's recollection he left the same with his clerk to be filed.]

3. The further statement in para 4 that the petitioner in Mis. 67 of 1935-36, had knowledge of the non-production of the copy and of the falsity of the allegations about such production is irrelevant for the purposes of the present petition. Since, however, the petitioner has made such a statement from ulterior motives for reasons best known to herself, this opponent feels called upon to state that the allegation against the petitioner in Mis. 67 of 1935-36, are wilfully false, as the oversight connected with the non-production of the copy of the Will was not within his knowledge nor was it necessary for any reason to keep back the copy from the court records.

4. Para 5 of the petition is false, spiteful and highly defamatory. The opponent takes exception to the assertion that he assisted the petitioner in Mis. 67 of 1935-36 beyond the Limitations of Law and professional ethics; the opponent had much less recourse to any questionable or improper methods.

5. It is true that the original Will was put into Court on 4th March 1937, but the allegation that this was done after repeated representations is false.

6. On the other hand, no representations were made by the petitioner or her counsel in the objection statement filed on 6th January 1936 that copy of the Will had not been produced. It was only on 19th March 1936 that for the first time the petitioner referred to the non-production of the copy. It is then that the opponent discovered his lapse due to oversight and made good the much regretted omission by having the self same copy filed along with the reply on 25th March 1936.

7. To the knowledge of the petitioner and her Counsel the following facts are established :—

(*a*) that a true copy of the Will was furnished by this opponent on 24th September 1935 simultaneously to the two contending parties in Mis. 67 of 1935-36.

(*b*) That several months prior to filing Mis. 67 of 1935-36 a true copy of the Will had been furnished to the Mysore Bank by this opponent acting for the petitioner in Mis. 67 of 1935-36 while appraising the Bank of the testamentary disposition of the deposits, held by it;

(*c*) That the contents of the Will had been known to the present petitioner and that she had attested the same. She has never disowned such a knowledge or denied attestation inspite of repeated attention having been drawn in writing to the fact of the knowledge and the attestation.

(*d*) The petitioner deliberately chose to avoid any statement of repudiation for over three years either of her own accord or under advise and has now presented this petition firstly with a view to arm herself if possible, with a weapon against this opponent in case he appeared as a witness regarding the genuineness of the Will; secondly to disgrace if possible the opponent in the estimation of his brethern at the Bar, clientle and the general public and otherwise embarrass him in the persuit of his profession and in the maintenance of his social status and family relationship.

7. The circumstances under which the opponent produced the original of the Will into Court are borne out by the records in Mis. 67 of 1935-36 which conclusively establish the bonafides and rectitude of this opponent.

8. Para 7 of the petition is couched in highly defamatory language calling in question this opponent's professional integrity. The same is a false improvisation for the purpose of prejudicing the mind of the court. The Will is genuine and its genuineness is a matter for adjudication elsewhere. Besides the professional assistance rendered to the deceased, *i.e.*, Muninanjappa in drawing up the Will according to his desire and instructions and in accordance with his request and in appearing for his son professionally, this opponent has no interest other than to advance the cause and the administration of Justice as a member of the Hon'ble profession of the Bar, according to accepted cannons of Law and Tradition. Para 7 of the petition contains false, reckless, irrelevant and unjustifiable allegations against this opponent in the pursuit of his professional duties and it calls for severe action against the petitioner.

9. In view of the foregoing, the insinuations in para 8 of the petition do not call for a further reply.

10. This opponent takes serious exception to the allegations in the said para. They are all false. He never intended nor practised any deceit, least of all on the Court of Law of which he is an Officer.

11. The mandatory provisions of Law have not been complied with in as much as (*a*) no charge has been drawn up setting forth the grounds for action; (*b*) no preliminary enquiry has been held to justify the framing of any charge or issue of any notice.

12. The issue of the present notice without the previous observance of these safeguards has created unnecessary and uncalled for sensation and has embarrassed the opponent in his defence as intended by the petitioner.

Wherefore both in Law and on the facts the proceedings are liable to be quashed in-limine even at this stage.

The opponent therefore prays that the petition may be dismissed with exemplary costs and action ordered to be taken for this false, frivolous and vexatious petition.

(Sd.) B. N. DEVARAIYA,
Advocate for Opponent.

Exhibit P150 (*b*)*.

[(Sd.) S. K. VENKATARANGA IYENGAR,
Opponent.
19-7-1939.

The allegations in paras 1 to 12 aforesaid are true to the best of my knowledge.

(Sd.) S. K. VENKATARANGA IYENGAR,
19-7-1939.]

Exhibit P151.

Reply Statement filed by Mr. M. Krishna Murthy in Mis. Case No. 191 of 38-39, on the file of the District Judge, Bangalore.

Lakshmamma .... Petitioner.

5 *Vs.*

Mr. S. K. Venkataranga Iyengar .... Opponent.

Petitioner's reply to Opponent's objection statement, dated 19th July 1939.

1. The non-filing of the copy of the Will being admitted, the opponent's bare assertion that the non-filing was due to inadvertence or oversight cannot be accept-
10 ed as justifying his questionable conduct unless and until the plea specially raised is spoken to on oath by the opponent in the witness box and the bonafide nature of the plea is stated in cross examination, as the opponent's case is one of "confession and avoidance," and of mere verbal justification and oral presentation.

2. Being the officer of the Court the opponent ought not to have allowed
15 himself to be placed in the predicament that he did on 16th November 1935, when he launched Mis. 67 of 35-36 proceedings in Court and snatched away orders in favour of his client on oral representations without producing the alleged available copy of the Will. No sense of obligation to the Court predominated over the conduct of the opponent on 16th November 1935.

20 3. There is no satisfactory explanation in his objection statement by the opponent in justification of his conduct in question; whether the alleged copy of the Will or the alleged original Will itself was at all in actual existence on 16th November 1935 is more than doubtful. The non-production of the alleged original Will or its copy on 16th November 1935 has manifestly led to an erroneous prohi-
25 bitory order being passed by the Court at all events, relating to Rs. 2,000 out of the petitioner's Rs. 10,000 fixed deposit amount. No amount of indulgence in the employment of epithets, vituperative in nature, in the objection statement can wipe off the effect of utter lack of *bona fides* in the conduct of the opponent, nor can the opponent escape the penal consequences thereof under the Legal Practitioners' Act.

30 4. Opponent's behaviour in Court on 16th November 1935 has to be judged in the light of the following facts stark and clear, namely:—

(*a*) that he had assisted on 5th January 1935, in the drawing up of the dispute Will;

(*b*) he got into the immediate custody of the said document;

35 (*c*) he accepted the trusteeship of Rs. 30,000 bequest along with his client and another, as admitted by opponent.

(Ind.) M. K. M.,
Advocate.
26-7-39.

40 (*d*) as per his letter, dated 18th April 1935 the opponent did not anticipate "*Ugly developments*" in the matter of deceased Muninanjappa's family estate;

(*e*) there was a written demand made on him through registered notice from the petitioner's Advocate, late *Rao Sahib* C. N. Suryaprakas
45 on 17th July 1935 for a copy of the alleged Will;

(*f*) the opponent did not choose to comply with the said demand;

(*g*) to the opponent's personal knowledge the Fixed Deposit amounts had become matured eleven days prior to 16th November 1935; and

(*h*) the petitioner had not withdrawn the amounts though she could have
50 done so without any interruption on the part of any one.

5. The Judge's Notes in Mis. 67 of 35-36 proceedings recorded from 16th November 1935 to 4th March 1937, is a tell-tale of the ulterior motives of the opponent in the conduct of the case.

6. The surreptitious and unceremonious manner in which the reply dated 25th
55 March 1936 and the alleged copy of the Will have found their way into the file of Court records in Mis. 67 of 35-36, as the result of the opponent "making good the much regretted omission" referred to in para 6 of the objection statement confirms

that on 16th November 1935, the opponent has tricked the Court out of the prohibitory order and further belies the claims urged by the opponent in para 8 of the objection statement.

7. The contents of the reply and of the alleged copy of the Will referred to in para 6 of the objection statement and the Judge's notes recorded on 25th March 1936, demonstrably falsify the theory of inadvertence or oversight advanced by the opponent. Whether it is inadvertence on the part of the oponent of carelessness on the part of his unnamed clerk, the opponent's conduct in Court on 16th November 1935 comes within the penal provisions of the Legal Practitioners Act. The plea of the opponent is lacking in particulars and definiteness.

8. The opponent's allegation in para 7(*a*) that he furnished a copy of the Will to the petitioner on 24th September 1935, on any other date is false. Whenever there was a demand on the opponent for producing the alleged Will, the opponent put it off on some pretext or other. Petitioner has not even indirect knowledge of what is alleged by opponent to have taken place between him and the Mysore Bank in the matter of the alleged Will.

9. The petitioner has in her letter dated 17th July 1935, to the opponent through her lawyer stated as follows regarding the alleged Will—

> "She is not aware of the execution of the said Will nor does she know what are the contents thereof—she has been asking you for a copy of it and she has been constantly put off."

10. The matter in controversy is evidenced mostly by unimpeachable records. The petitioner repudiates the truth or correctness of the opponent's allegations in para 7 (*d*) of his objection statement.

11. There is no substance in the objections raised in parts 11 and 12 of the opponent's statement. Para 12 of the statement conveys no meaning at all.

12. The petitioner re-affirms that the opponent's behaviour on 16th November 1935, is highly unprofessional. Knowing that he was the only witness for late Muninanjappa instructing him to draw up the alleged Will, he started Mis. 67 of 35-36 proceedings and continued as petitioner's advocate therein till 4th March 1937. The inadvertence pleaded is of such a grave nature as renders him unfit to discharge the onerous duties of a practising Lawyer. Selfish considerations have been allowed to prevail over his duty to Court and the opponent has deliberately practised fraud on Court on 16th November 1935. In any view of the matter the opponent has shewn himself to be unworthy of being a member of the learned and dignified profession of Law.

Bangalore City,
26th July 1939.

Left thumb mark of Lakshmamma,
(*Petitioner.*)

(Sd.) M. Krishna Murthy,
Advocate for the Petitioner.

Verification.

I, the petitioner abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

Bangalore City,
26h July 1939.

Left thumb mark of Lakshmamma,
(*Petitioner*).

Exhibit P152.

Order sheet in Mis. Case No. 188 of 1938-39 on the file of the District Judge, Bangalore.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

MIS. CASE NO. 188 OF 1938-39.

Petitioner.		*Opponent.*
Lakshmamma.	*Vs.*	K. M. Narayana Reddy.

8th April 1939.—This is an application under Sections 195 and 476, Criminal Procedure Code filed by the Petitioner praying that the Court may be

pleased to send a complaint in writing to the proper court for trying the opponent abovenamed for an offence under Section 193, I. P. C. and to deal with him suitably in accordance with law.

Issue notice to opponent by 12th June 1939.

5 (Id.) G. P.,
8-4-39.

12th June 1939.—Petitioner's Advocate by Mr. P. B. Notice to opponent not issued for want of copy of petition. To be filed by 13th June 1939.

(Id.) A. S. R.,
10 12-6-39.

13th June 1939.—Petitioner by Mr. G. K. R. Copy of petition filed. Issue by 3rd July 1939.

(Id.) A. S. R.,
13-6-39.

15 *3rd July 1939.*—Petitioner.
Opponent.

Notice issued to opponent served personally and by Mr. M. P. S. Objections by 14th July 1939.

(Id.) A. S. R.,
3-7-39.

20 *14th July 1939.*—Petitioner by Mr. M. K. M. Opponent by Mr. B. R. Objections by 17th July 1939.

(Id.) A. S. R.,
14-7-39.

25 *17th July 1939.*—Petitioner } as before.
Opponent }

Objections filed. Trial 4th September 1939.

(Id.) A. S. R.,
17-7-39.

30 *4th September 1939.*—Petitioner by Mr. M. K. M. Opponent by Mr. M. P. S. Steps not taken. Mr. M. K. M. states that he has no witness in the case except the showing some records of Mis. 67 of 1935-36. The latter case is pending in appeal in the High Court. It is said that the High Court is likely to hear this appeal in the course of a week or two. Bring up on 7th November 1939.

35 (Id.) A. S. R.,
4-9-[illegible]

7th November 1939.—Petitioner by Mr. M. K. Opponent by Mr. B. R. R. Await records by 27th November 1939.

(Id.) G. P.,
40 7-11-39.

27th November 1939.—Petitioner.
Opponent.

Records in Mis. 67 of 1935-36 not yet received from the High Court. Judge being on casual leave, adjourned to 2nd January 1940.

45 By Order,
(Id.) V. L. R.,
Sheristedar.
27-11-39.

2nd January 1940.—Petitioner by Mr. M. K. Murthy. Opponent by
50 Mr. M. P. S. by Advocate. Records are received. Arguments on 15th January 1940.

(Id.) H. N.,
2-1-39.

15th January 1940.—Petitioner by Mr. M. K. Murthy. Opponent by
55 Mr. M. P. S
Arguments heard.

ORDER.

This is an application under Sections 195 and 476, Cr. P. C., asking for the prosecution of the Opponent under Section 193, I. P. C.

The opponent filed Mis. 67 of 1935-36 making an allegation therein that the deceased left a Will a true copy of which is herewith filed under which he appointed the Petitioner, and his wife Lakshmamma, aforesaid as joint executors and guardians of the person and properties of the minors.

The present application is filed contending that the above allegation regarding the filing of a copy of the Will with the petition was false.

It is admitted by the Opponent that the copy of the Will was not filed with the Petition in Mis. No. 67 of 1935-36.

It is contended in this case for the Petitioner that the above allegation was false to the knowledge of the opponent and was made to mislead the Judge to pass an order. But it is contended from the opponent that the allegation was not intentionally false or was false to the knowledge of the opponent.

I have heard arguments and I am of opinion that this is not a fit case to lodge any complaint. The copy of the Will was not produced on the date of filing Mis. 67 of 35-36. There is a note in the petition to that effect by an official of the Court. A copy was produced on a later date after the omission to produce it was brought to the notice of the opponent. It is not likely that the copy was kept back intentionally to obtain an order from the Court. No doubt an ex parte order was obtained on the date of the filing of the application Mis. 67 of 1935-36. It cannot be said that the order was obtained on the strength of the allegation that a copy of the Will had been produced.

Considering all the circumstances I am of opinion that the omission to produce the copy of the Will with the Petition in Mis. 67—35-36 might have been due to inadvertance and that it may not have been intentional.

So I dismiss this application.
Pronounced in Open Court.

(Sd.) H. NANJUNDIAH,
15-1-40.

Exhibit P153.

Application in Mis. Case No. 188 of 1938-39 on the file of the District Judge, Bangalore.

IN THE COURT OF THE DISTRICT AND SESSIONS JUDGE, BANGALORE DIVISION, BANGALORE.

MIS. CASE NO. 188 OF 1938-39.

Petitioner: Lakshmamma, widow of late Mr. Muninanjappa, Gandhi Nagar, Bangalore City, c/o Mr. M. Krishna Murthy, B.A., LL.B., Advocate, Cottonpet, Bangalore City.

Opponent: K. M. Narayana Reddy, son of late Mr. Muninanjappa, 22, Cambridge Road, C. & M. Station, Bangalore.

Under Section 195 and 476 of the Code of Criminal Procedure.

The Petitioner abovenamed begs to state as follows:—

1. The opponent abovenamed was the petitioner in Mis. Case No. 67—1935-36 on the file of this Hon'ble Court. The present petitioner was the opponent therein. The petition in the said Mis. No. 67 of 1935-36 was filed on 16th November 1935. Final orders have been passed in the said case on 3rd April 1939.

2. In the original petition of the said Mis. 67 of 1935-36, the petitioner therein has inter alia stated as follows:—

> "The deceased left a Will a true copy of which is herewith filed under which he appointed the Petitioner and his wife Lakshmamma aforesaid as joint executors and guardians of the person and properties of the minors."

The opponent abovenamed has fully verified the said petition as required in law.

Left Thumb Mark of Mrs. Srimathi Lakshmamma.

3. The present petitioner repudiates the said Will as a spurious document. The allegation extracted above from the original petition in Mis. No. 67 of 35-36 contain a false statement, namely "*A true copy of which is herewith filed.*" The said statement is false to the knowledge of the opponent and his Advocate Mr. S. K. Venkataranga Iyengar who presented the petition in the said Mis. No. 67 of 35-36.

4. The said false statement has been made intentionally to deceive and to mislead the judicial officer of the Court to act on the basis that what the opponent had stated in the said verified petition above the alleged filing of a copy of the alleged Will was true.

5. In making a false statement in the aforesaid manner the opponent has rendered himself liable to answer a charge of having given and fabricated false evidence punishable under Section 193, I. P. C.

6. The truth and accuracy of this petition may be easily verified by a perusal of the records in the said Mis. No. 67 of 35-36.

Wherefore the petitioner prays that this Hon'ble Court may be pleased to send a complaint in writing to the proper court for trying the opponent abovenamed for an offence under Section 193, I. P. C. and dealing with him suitably in accordance with law.

The petitioner submits that in the interests of justice it is essential that a complaint as prayed for be made against the opponent.

Left thumb mark of Srimathi Lakshmamma,
Petitioner.

BANGALORE CITY,
Dated 4th April 1939.

(Sd.) M. KRISHNAMURTHY,
Advocate for the Petitioner.

Verification.

I, Lakshmamma, Petitioner, abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

Left thumb mark of Srimathi Lakshmamma,
widow of late Mr. K. Muninanjappa.
Petitioner.

BANGALORE CITY,
Dated 4th April 1939.

Exhibit P154.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Decree-holder's name .... Mrs. Lakshmamma and Sharadamma.

Application for Execution of Decree under Order XXI, Rule 11, C. P. C.
Decree-holder hereby applies for execution of the Decree herein below setforth :—

Number of the suit	....	O. S. 11 of 1937-38.
Plaintiffs	....	1. Lakshmamma, widow of Muninanjappa, 2. Sharadamma, daughter of Muninanjappa, (Defendants) both residing in Gandhi Nagar, Bangalore City.
Defendant (Opponent)	....	K. M. Narayana Reddy, plaintiff, residing at No. 20, Cambridge Road, C. & M. Station, Bangalore.
Date of the Decree	....	4th April 1939. Order on I. A. No. I
Date of Decree in appeal	....	8th December 1939.
Whether any appeal has been preferred from the decree.		Yes. Mis. Appeal No. 1—39-40 on the file of the High Court of Mysore at Bangalore.
Whether any and (if any) what payment or other adjustment of the matter in controversy has been made between the parties subsequently to the decree.		Appeal allowed with costs.

Whether any and (if any) what previous applications have been made for execution of decrees, the dates of such applications and their results.	No.				
			Rs.	a.	p.
Decree amount	Costs allowed in the Mis. A. 1—39-40 on the file of the High Court of Mysore, Bangalore		37	6	0
	The amount cost		....		
	Interest on above		....		
	Costs awarded		....		
	Interests on costs		...		
	High Court costs		....		
	Costs of copies		1	10	0
	Previous Ex. costs		....		
	Present Execution costs		0	12	0
	Advocate fees		1	4	0
	Total		41	0	0
	Deducted amount paid		....		
	Balance		....		
The name of the person against whom the execution of decree is sought.	Against the judgment-debtor.				
Relief sought	Decree-holders pray for the attachment of the car belonging to the judgment-debtor and also fo, the attachment of the right, title and interest properties situated in Bangalore Taluk. The attachment of the motor car of the J. D. R. may be ordered in the first instance.				

(Sd.) G. K. Raghavendra Rao,
Advocate for Decree-holder.

L. T. mark of
Lakshmamma,
D. H. R.

The decree-holder abovenamed, do hereby declare, that what is stated herein is true to my knowledge.

(Sd.) G. K. Raghavendra Rao.

Bangalore,
12th January 1940.

L. T. mark of Lakshmamma,
Decree-holder.

Exhibit P155.

ORDER SHEET IN EXHIBIT 70 OF 39-40.

On the file of the District Judge, Bangalore.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION.

Ex. No. 70 of 39-40.

Decree-holder	....	....	Lakshmamma.
Judgment-debtor	....	....	K. M. Narayana Reddy.

16th January 1940. This is an application filed by the Decree-holder (Defendant in O. S. No. 11 of 37-38) against the Pluintiff—Judgment-debtor to recover the costs ordered in Mis. Appeal No. 1 of 39-40 on the file of the High Court of Mysore, praying for attachment of the car belonging to the Judgment-debtor and also for attachment of the right, title and interest of the properties situated in Bangalore Taluk.

Proper description of the case and the properties to be furnished by 29th January 1940.

(Intd.) H. N.,
Additional District Judge,
16-1-40.

5

29th January 1940. Decree-holder.

Description of the car produced. He says that he does not want to proceed against the properties and hence schedule could not be produced.

Attach the car by 4th March 1940.

10

(Intd.) H. N.,
Additional District Judge,
29-1-40.

4th March 1940. Decree-holder. Judgment-debtor.

Judgment-debtor by Mr. M. P. S. by advocate. Processes not yet returned.

15 *I. A. No. 1*:—Judgment-debtor files an application that he has deposited money and that the amount sued for is excessive.

Ascertain the correct amount and see if the money is deposited.

Bring up on 18th March 1940.

(Intd.) H. N.,
20 *Additional District Judge,*
4-3-40.

18th March 1940. Judgment-debtor by Mr. B. V. Rao for Mr. M. P. S. Warrant returned unexecuted as Decree-holder's advocate prays for fresh attachment as per shara made on the warrant by him.

25 Amount of Rs. 42 deposited in court. *Vide* R. O. 127, dated 6th March 1940, which is deposited under protest. As per warrant of attachment Rs. 42-4-0 is due but only Rs. 42 is deposited.

Mr. B. V. Rao says that he is not able to substantiate I. A. 1. The amount claimed is correct as per court records. So enter part satisfaction for Rs. 42 and 30 pay Decree-holder. Petition dismissed.

(Intd.) H. N.,
Additional District Judge,
18-3-40.

Exhibit P 156.

35 "PROCESS MEMO, DATED 12-2-40" IN EXECUTION CASE NO. 70 OF 1939-40.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Ex. No. 70 OF 1939-40.

O. S. No. 11 of 1937-38.

Decree-holder .... Lakshmamma.
40 Judgment-debtor .... K. M. Narayana Reddy.

Decree-Holder's Memo.

Herewith produced a court fee stamp of Re. 1-4-0 and Re. 0-8-0 as cash for attachment of car belonging to judgment-debtor.

Bangalore. (Sd.) G. K. RAGHAVENDRA RAO,
45 12-2-40. *Advocate for Decree-holder.*

Though the defendant is in the C. & M. Station jurisdiction the car will be in Chikpet and Gandhinagar.

(Sd.) H. LAKSHMANASWAMY.
50 *For* Mr. G. K. Raghavendra Rao.

Exhibit P 157.

[Last Will and testament of K. Muninanjappa, Contractor, Cambridge Road, C. & M. Station, Bangalore, 5th January 1935.]

Exhibit P157 (F).

(Intd.) A. S. R.,
Second Additional Sessions Judge.
17-7-40.

Will, dated 5th January 1935 got written by me K. Muninanjappa, aged about 50 years, son of Kannali Venkatappa, Contractor and Landlord, residing at Jougupalya, Ulsoor, Civil and Military Station, Bangalore, while in my good senses and consciousness is as follows :—

This Will had to be got written as my present bodily condition is not good, my ailment has increased since last two months as the life is not certain and as I had to settle the future proper management and conduct of all my family affairs after my death.

I am the only son of my father Venkatappa. I have no uterine brothers or sisters. Excepting a wet land and a house which are my only two ancestral properties. I had no other properties. Without the help of any other property, with my wisdom and with great difficulty by taking up contract of buildings, etc., during the last 30 years, I have earned properties worth about two lakhs of rupees all of which are in my own possession and enjoyment.

I have six sons, the first by name K. M. Narayana Reddy, aged about 20 years, the second by name Kodandarama Reddy, a minor, now aged about 13 years, the third by name Krishna Reddy, now minor, aged about 10 years, fourth by name Purushotham Reddy, minor, aged about 9 years, fifth by name Janardhana Reddy, minor, aged about 5 years, sixth by name Madhava Reddy, now aged about three years, and three daughters, first by name Saradamma, aged about 16 years, second by name Meenakshamma, minor and aged about 7 years and the third Komalamma, minor and aged about 2 years; altogether I have nine children both male and female. Of these my first son Narayana Reddy has married two wives and has been living with his children. I have given my first daughter Saradamma in marriage to Gurumurthappa who is under my protection. They are all in my family supported by me. Of the immoveable properties mentioned in the schedule hereunder, the first item should go to my 1st son Narayana Reddy, second item to 2nd son Kodanda Rama Reddy, third item to 3rd son Krishna Reddy, fourth item to 4th son Purushotam Reddy, fifth item to 5th son Janardhana Reddy, sixth item to 6th son Madhava Reddy, and the seventh item to my first daughter Saradamma. Besides these, the fixed deposits kept by me in the Bank of Mysore in the names of my second son Kodandarama Reddy, third son Krishna Reddy, fourth son Purushotham Reddy, fifth son Janardhan Reddy, sixth son Madhava Reddy and my daughter first Saradamma second Meenakshamma and third Komalamma should go to them respectively [and they should be disposed of as per my directions hereunder.]

(Ind.) A. S. R.,
Second Addl. Sessions Judge,
17-7-40.

Exhibit P157 (a).

Besides, the entire interest accruing on the amount of Fixed Deposit in the Mysore Bank which is in the name of my wife Lakshmamma, she is entitled to use as she likes during her life time and she is also at liberty to dispose of as she pleases Rs. 2,000 out of the Fixed Deposit. The remaining sum should be equally distributed between the two daughters Meenakshamma and Komalamma after Lakshmamma's life time. Out of the money deposited in the name of my wife Lakshmamma she can only dispose of according to her own desires the sum of Rs. 2,000 and the interest accruing on the whole amount and she has no right to utilise the whole sum. If unfortunately either Meenakshamma or Komalamma should die during the life time of Lakshmamma then their shares namely four thousand rupees each or if both should predecease Lakshmamma then the full sum of Rs. 8,000 should go to my five minor sons Kodandarama Reddy, Krishna Reddy, Purushothama Reddy, Janardhana Reddy and Madhava Reddy or to such of them as may be alive in equal shares. Lakshmamma, is bound by this condition. Therefore out of the sums given to Lakshmamma,

excepting over the sum of Rs. 2,000, over the rest she is given the right to enjoy the interest only. The sum of Rs. 8,000 as abovesaid should after Lakshmamma's life time, go absolutely to my sons or daughters that may then be alive.

As my eldest son Narayana Reddy has married two wives and has already to bear the burden of the family I have decided to give him two shares, and have given him not only the first item of the property which is the biggest of all the properties mentioned in the schedule but have also declared that the undermentioned amounts and shares should be given to him and have transferred them to him. The details of amounts and shares to be given to him are given hereunder :—

(1) Rs. 9,755 with interest mentioned in the Savings Bank Pass Book No. 229 of the Bangalore Bank.

(2) Rs. 5,000 with interest in the Savings Bank Account, Bangalore Bank, as per Pass Book No. 251 standing in the name of my son Kodandarama Reddy.

(3) Rs. 2,675-6-7 with interest thereon which is in the current account in my name in the Bangalore Bank.

(4) The shares of the Bangalore Bank which are in my name and the shares which are in the names of my eldest son Narayana Reddy and the shares which are in the names of myself and my wife Lakshmamma—in all not less than 169 shares and not more than 200 shares in number.

Besides the abovementioned amounts, shares and immoveable properties, there are other moveable and immoveable properties which belong to me.

Among the moveables there are amounts due from parties and moneys outstanding on pronotes and bonds as can be seen from my account books maintained in connection with my banking transactions.

Besides these, there are Government of India 3½ per cent loan bond number M007285 of rupees five thousand, three Government of India 6½ per cent Treasury bonds numbering H00540 to 542 of the value of rupees five thousand each, 6½ per cent Treasury bond number G003789 of the value of rupees one thousand, eight bonds Nos. F001617 to F001624 of the value of rupees five hundred each and the two bonds bearing numbers ..... now lost of rupees one thousand each in all bonds of the value of rupees thirty-two thousand.

Among the immoveables there are :—the bungalow with compound in which I am now living which is situated in Cambridge Road and bears No. 8; the house No. 9, Tasker Town Curve Road, and other houses the details are not just now available and are, therefore, now omitted, vacant sites and dry, wet and garden lands

The abovementioned moveables and immoveables, I have disposed of as stated below :—

(1) The whole of the amounts realised from the money transactions shall belong to my sons and none else has any right whatever over the same. But from out of the money so realised seven houses have to be built within the compound of item No. 8. One of the houses so built shall be given to my daughter Saradamma. The amount that remains after the construction of the houses shall be divided into seven shares, two of which shall be given to my first son Narayana Reddy and each of the other sons shall get one share each.

(2) Of the Government Loan Bonds mentioned above excluding the two bonds which are lost, the remaining Rs. 30,000 are dedicated to Dharmam as detailed below. I have fully authorised the trustees mentioned below to spend the sum of Rs. 30,000 for all the acts of Dharma mentioned below or for as many of them as possible and according to the majority opinion of the trustees.

Details of Dharmas.

1. In the compound of the bungalow No. 22, Cambridge Road* one house to be arranged for Dharma and arrangements are to be made to conduct Harikata and for holding discourses on religious topics and to feed the poor on the Sri Ramanavami Day and Sri Someswaraswami Car Festival Day every year and to feed not more than five Saints every day.

Ext. P157(B).
(Scored Portion)

2. I have hereby directed that arrangements are to be made for the boarding and the lodging to the poor Hindu students.

TRUSTEES.

1. K. M. Narayana Reddy.
2. M. Venkataswamappa.
4. S. K. Venkataranga Iyengar.

The sum of Rs. 2,000 left over out of the loan bonds stated above are to be used for my funeral ceremonies. The rent of the 9th item of the immoveable property which is left over undistributed from among the abovesaid immoveables is to be adjusted towards the payment of premium payable towards the Insurance of Narayana Reddy's life effected by me in the Oriental Life Insurance Company. Immediately after the receipt of the said Insurance amount, the said amount as also the house item 9 shall be divided equally among my sons.

Excepting the vacant sites all other properties situate within the limits of the Civil and Military Station, Bangalore, shall equally be distributed between my six sons and one daughter Saradamma, each of them shall as such be in enjoyment of the same.

In the same manner as I have been protecting the joint family, I desire that after my death my wife Lakshmamma and my eldest son Narayana Reddy both dearly loved by me should bear the responsibility of protecting them in my place. I have therefore hereby appointed them as joint guardians of all my minor children. My elder son Narayana Reddy should do all that is necessary to earn the appreciation of his mother Lakshmamma and carry on the management of the family under her advise. Expenses must be economised in a manner so as neither to diminish the minors' estate nor to stint their progress and not more than Rs. 2,000 should be utilised for the marriage of minor daughter and not more than Rs. 1,000 for the marriage of minor sons.

My wife and my eldest son are fully authorised by me to incur the minor daughters' expenses that is their marriage expenses from out of the amounts given to their shares. But the expenses of minor sons should be met only from out of the joint property and it must be seen that their shares are not reduced.

The above said guardians are authorised by me to use the amounts now in fixed deposit and the amounts realised by the banking transactions in a manner beneficial to the interests of the minors and so as to fetch better profits. The household expenses namely the whole expenses of the family should be met only from out of the family income of the immoveable properties and the guardians shall not use for this purpose either the deposits or the amounts realised from banking transactions.

When the said minors become majors they must be put in possession of their respective shares by the abovesaid guardians. [But Saradamma has the right to enjoy the share given to her only during her life time and the absolute right over it does not belong to her.] I have given to my daughter Saradamma a share more or less equal to that which I have given to my sons. I have given to her share Rs. 5,000 more than what I have given to my other children. To Gurumurthy who is her husband, and my brother-in-law's son and who was brought up by me I direct that Rs. 5,000 from out of the share given to her guardians shall draw from the Bank and that the said sum be given to him. I desire that the said Gurumurthy will continue to remain as one in the family as he is now and do the necessary acts for the family benefit and progress.

Ext. P157(C).

[Other properties given to Saradamma should go to her children and if she dies issueless they shall belong to my descendants.]

Ext. P157(D).

All the moveable and immoveable properties that are not mentioned in the abovesaid Will should wholly belong to my sons. To this effect have I, with my free will and consent, when in good sense and consciousness got this Will written by my lawyer Mr. S. K. Venkataranga Iyengar, got it sealed and deposited with him for safe custody. Whatever Will I may have written prior to this stands cancelled by this.

SCHEDULE.

1. Municipal door No. 9, Haudin Road, Ulsoor, Civil & Military Station.
2. Bungalow bearing Municipal door No. 8 in Barli Street, Langford Town. Civil & Military Station.

3. Bungalow No. 20 in the said Barlic Street.
4. Bungalow No. 22 in the said Barlic Street.
5. Bungalow No. 13, Park Road, Tasker Town, Civil & Military Station.
6. Bungalow No. 14, Park Road, Tasker Town, Civil & Military Station.
7. Bungalow No. 24, Langford Town, Civil & Military Station.
8. Bungalow No. 22 in the said Cambridge Road.
9. Bungalow No. 12 in Curve Road, Tasker Town, Civil & Military Station.
10. Other moveable and immoveable properties.

In our presence, he has approved what has been witten above and has signed this saying that he got this written with his knowledge.

Left thumb mark of K. Muninanjappa.

Witnesses—

(Sd.) M. Venkatasamy.

(Sd.) T. Balakrishna Mudaliar.

(Sd.) Nambanjundappa.

(Sd). Anugondahalli Native Pandit Narasimhiah.

Ext. P157(G). (Sd.) M. Gurumurthy.

(Sd.) K. M. Narayana Reddy.

Ext. P157(M). Left thumb mark of Lakshmamma.

(Sd.) M. Pillayya.

Writer (Sd.) K. V. Ramachandra Rao, Visweswarapuram, Bangalore City.

Ext. P157(E). [In this Will, there is an interlineation in line 24 page 2. Some portion in line 33 and 34 on page 4 has been struck off. Some letters of line 13 page 5 are struck off and another interlineation below line 8 of page 7 and similarly below line 25 of the same page.

Left thumb mark of K. Muninanjappa, attested to by
K. V. Ramachandra Rao.

Exhibit P158.

The Bangalore Pharmacy,
18, South Parade.
Pres. No. 28/50844, dated 7th January 1935.

2.
Px.

Pot Citras	....	ʒi.
Pot Acetas	....	ʒi*p*.
Theocin Sod Acetas	....	gr xii
Liq Ammon Acet	....	ʒvi.
Sp Ether Nit	....	ʒi*p*.
Syr Aurantu	....	ʒvi.
Aq Chlorof ad	....	ʒvi.

F.m.

1/6th part or one ounce twice a day.

(Sd.) S. S. Rao,
7th January 1935.

Exhibit P158(a).

The Bangalore Pharmacy,
18, South Parade
Prescription No. 28/50843, dated 7th January 1935.

For
Mr. Muninanjappa.

1.

Px.

Digifortis	....	ʒi.
Liq Strych	....	ʒp.
Sp. Ammon Arom	....	ʒiii.
Syr Simpl	....	ʒvi.
Aq menth Pip ad	....	ʒvi.

F.m.

One ounce or 1/6th part twice a day.

(Sd.) S. S. Rao,
7th January 1935.

Exhibit P159.

Statement recorded under Section 164, Cr. P. C. in Crime No. 122—39-40 of C. 1, Chamarajpet Police Station.

IN THE COURT OF THE FIRST MAGISTRATE, BANGALORE.

Statement of K. V. Ramachandra Rao.

Father's name—Vallabharayappa.
Age—30 years.
Caste—Brahmin.
Occupation—Mandi Gumasta.
Residence—Visveswarapuram, Bangalore City.

Duly Sworn.
16-3-40.

I am a clerk in Anekal Thimmiah's Mandy. Anekal Thimmiah is a client of Mr. S. K. Venkataranga Iyengar and C. V. Narasimha Iyengar. About five years back on a morning Mr. Venkataranga Iyengar sent words to me to his office through his clerk Nanjundaiya. I accordingly went to Mr. Venkataranga Iyengar's house at about 8-30 A.M. One K. M. Narayana Reddy, son of Munindanjappa was in his house at that time. Mr. Venkataranga Iyengar took me in Narayana Reddy's car to Munindanjappa's house at Ulsoor saying that a Will has to be executed. Munindanjappa was lying ill in a room. We went into his room. Mr. Venkataranga Iyengar went to Munindanjappa's bed side and asked him in telugu regarding his state of health in loud tone. I was standing aside. He was in an exhausted condition and said something in a faint voice which I did not hear. Mr. Venkataranga Iyengar again questioned him whether he would execute any Will. While this conversation was going on I came out, and sat in an opposite room. After about 10 minutes, Mr. Venkataranga Iyengar came to me and asked me to write the draft of a Will and began to dictate. I wrote according to his dictation. The draft was completed at about 12 NOON. He had no reference papers with him when he dictated the draft of the Will. Afterwards he took the draft to Munindanjappa's room. I did not go there. Ten or fifteen minutes afterwards he brought it back and asked me to make a fair copy of the draft omitting some lines which had been scored out and he went away to court. I made a fair copy as required by him and remained there alone. Mr. Venkataranga Iyengar came at about 5 or 5-30 P.M. He took the fair copy and went to Munindanjappa's room. I also accompanied him. Many persons including ladies and children of the house were also present. Mr. Venkataranga Iyengar read the fair copy of the Will loudly. Munindanjappa was only staring but could not either sit up or talk. Mr. Venkataranga Iyengar held a fountain pen before him. Munindanjappa did not give any reply. Thereon Mr. Venkataranga Iyengar pointed out his thumb and asked him by signs whether he would affix his thumb impression. [He got a thumb impression pad from inside the house, and some one standing got the thumb impression of Munindanjappa affixed to the Will and I attested the thumb impression as dictated by Mr. Venkataranga Iyengar.]

Exhibit P159 (*b*).

[When all this took place Munindanjappa was seriously ill and he was not conscious but was only staring at those standing by.]

Exhibit P159 (a). Thumb impression was taken for every page of the Will. It contained three or four pages. In the last page I wrote the words "ಸಾಕ್ಷಿಗಳು" and underneath some three or four present attested the document—Munindanjappa's wife also attested the document by affixing her thumb impression which also I attested. I do not remember the details written in the Will at this distance of time. I also wrote my name at the end as the writer of the document and signed. When all this was over it was 7 or 7-15 P.M. The Will was put into a cover and taken by Mr. Venkataranga Iyengar saying that it should be sealed.

Read over and interpreted and admitted to be correct.

(Sd.) Y. SRIKANTAIYA,
First Magistrate.

(Sd.) K. V. Ramachandra Rao,
16-3-40.

Exhibit P160.

This is the last Will and testament of the deceased late K. M. Munindanjappa.

Left thumb mark of K. Munindanjappa.

(Sd.) K. V. Ramachandra Rao.

Exhibit P161.

IN THE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE, BANGALORE.

CRIMINAL CASE NO. 1 OF 1939-40.

Deposition of K. V. Ramachandra Rao—P. W. 60.
Father's name—Vallabharayappa.
Age—30 years.
Caste—Brahmin.
Occupation—Mandy Gumasta.
Residence—513, Visveswarapuram, Bangalore City.

Duly Sworn.
25-4-40.

Examined by the Public Prosecutor.

I have seen late Mr. K. Munindanjappa, father of A1. I know A5. About five years ago one day at about 8 A.M. A5 sent for me when I was working in Anekal Thimmiah's Shop at Hosatharagupet in Bangalore City. I was sent for to go to A5's house. I went to his house. There I saw A1 also. A5 asked me to go with him to the house of late Mr. K. Munindanjappa as a Will had to be written. In A1's car myself and A5 went to Mr. Munindanjappa's house. A1 drove the car. I saw Mr. K. Munindanjappa for the first time that day. Mr. K. Munindanjappa was lying in the room in front of his house. All of us went inside the room. A5 questioned Mr. K. Munindanjappa in Telugu how his health was. The latter said something in a very low voice which I did not hear. A5 then asked Mr. K. Munindanjappa in Telugu whether the Will may be got written.

[I was asked to sit out when they were questioning late Mr. K. Munindanjappa.

Ex. P. [illegible] (a) I sat outside in another room in the verandah. Ten minutes later A5 came to me and dictated the draft Will to me.]

The draft Will was completed by about 12 NOON. He took it away. I do not know whether it was shown to late Mr. K. Munindanjappa. When it was brought back after ten minutes. I noticed some lines having been scored off. The draft [illegible]

written in fountain pen ink. The fair Will also was written in fountain pen ink. When the draft was dictated, A5 had no other documents with him. After the draft was prepared, A5 said that he would go to the Court as it was court time and asked me to stay there and faircopy the Will. Two persons were sitting in the room when draft Will was dictated by A5. I do not know them. I remained thereafter writing out the fair copy of the Will. A5 returned at 5 P.M. the same day. After he talked to some people there, he questioned whether I had faircopied the Will. I told him I had prepared the fair copy. He took the Will which I had written and went to the room in which late Mr. Muninanjappa was lying. I do not know who took the draft which contained many scorings. It was torn by some one whom I do not know. It was not handed over to A5. I too followed A5 into the room where Mr. Muninanjappa was lying. The Will was read out by A5 in loud tone. I did not see any reply having been given by Mr. K. Muninanjappa. There were women and children in the room then. I do not know them. A5 asked Mr. Muninanjappa in Telugu whether he would sign. I found him not in a condition to sit up or to sign. A5 was standing asking Mr. Muninanjappa in Telugu whether he would put his thumb impression. Somebody brought an ink pad and got the left thumb impressions of late Mr. K. Muninanjappa to every page of the Will which I wrote that day. Mr. K. Muninanjappa was then staring at all of us with a pale and blank look. ಆಗ್ಗೆ ಅವರು ಎಲ್ಲರನ್ನು ಚೆನ್ನಾಗಿ ದೃಷ್ಟಿಸಿ ನೋಡುತ್ತಾ ಇದ್ದರು. I did not think he was conscious at that time. I wrote against thumb impressions as dictated by A5. I wrote ಸಾಕ್ಷಿಗಳು on the last page. There were some three or four persons there standing in the room where Mr. K. Muninanjappa was lying. Some have signed and some have put their thumb impressions. Lakshmamma, wife of late Mr. K. Muninanjappa has put her thumb impression also. I wrote ಬಿಕ್ಕಲಂ at the end. It was by then 7 or 7-15 P.M. A5 took the Will and was saying that it should be put in a sealed cover. I came away. A5 was holding the Will in his hand when I left. The Will I wrote that day is Exhibit P29. I have prepared this from the draft as dictated by A5.

Cross-examination by counsels for A1 to A5—Nil.

Question by Court.—I have written in English against the thumb impressions of late Mr. K. Muninanjappa except the last thumb impression against which I have written in Kannada. I have written in Kannada against the thumb impressions of Lakshmamma. When the thumb impressions of Mr. K. Muninanjappa were got to the Will, he was not conscious as I have already stated.

Cross-examination by counsels for A1 to A5.—Nil.

Read over, interpreted and admitted to be correct.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate,
25-4-40.

Exhibit P162.

Extract from Prescription Book No. 28 of the Bangalore Pharmacy, 18, South Parade.

Page No. 77.

CERTIFIED TRUE COPIES (MR. MUNINANJAPPA.)

28/50843. Mist. No. I.
Px. Bott.
1-4-0.

Digifortis ʒi.
Liq Strych Hydrochlor. ʒii.
Spts ammonia aromat. ʒiii.
Syrup simplex ʒvi.
Aqua menth Pip ad ʒvi.
Ft Mist. Siy 1/6th part twice a day.

(Sd.) DR. S. S. RAO.

Page. No. 78.

Mr. Muninanjappa.
28/50844.
Px.

Mist. No. II.
Bott.
1-4-0.

Pot Citras ʒi.
Pot acetas ʒiss.
Theocin Sodi acetas Gr xii.
Liq ammonia acet. ʒvi.
Spts aetheris nitrosi ʒiss.
Syr aurantu ʒvi.
Aqua Chloroform ad ʒvi.
Ft. mist. Siy 1/6th part twice a day.

(Sd.) DR. S. S RAO.
"True Copy"

(Sd.) A. M. BRIDLE,
Manager,
Bangalore Pharmacy,
3-5-40.

After giving this true copy I am taking back my original prescription book. I undertake myself to produce the original whenever called upon by this Court or any other Court.

(Sd.) A. M. BRIDLE,
Manager,
Bangalore Pharmacy,
3-5-40.

Exhibit P163.

SESSIONS CASE No. 30—39-40, FILED IN COURT.

(Intd.) A. S. R.
Second Additional Sessions Judge,
1-7-40.

BANGALORE PHARMACY, CHEMISTS.

18, South Parade, Bangalore.
29-6-40.

'Copy'

7th October 1934,
K. Muninanjappa, Esq.

Sodi Bicarb	....	Grs.	xxx.
Sodi Citras	....	,,	xv.
Pot. Citras	....	,,	x.
Calcum Carb	....		xx.
Hexamine	....		xxx.
Mag. Sulph	....		xx.
Aqua-meth	....		ad ʒt.

Sig. ʒT every four hours.

(Sd.) J. B. HANCE (L

14th October 1934, Rept. mixture No. 27/50091.
25th October 1934, Rept. mixture No. 27/50091.

"Copy"

Not clear,
For D. S. P.
29-6-40.

Exhibit P164.

Surya Brothers,
Legal Practitioners,
Bangalore.

On 6-8-38.

IN THE COURT OF THE DISTRICT MUNSIFF, CIVIL AND MILITARY STATION, BANGALORE. 5

O. S. SUIT No. 113 OF 1938.

Plaintiff: Narayana Reddy. *Vs.* *Defendant*: Choudappa and another.

Written statement on behalf of the 2nd Defendant under Order VIII, Rule I of the C. P. C. 10

1. The address of the defendant 2 for the purpose of service, etc., is care of her advocate Mr. E. Ahobalanath, B.A., B.L., " Grasmere " Osborne Road, Bangalore.

2. The 2nd Defendant admits the allegations in paras 2 and 3 of the plaint.

3. The defendant is not aware of the Will referred to in para 4 of the plaint. 15

4. All the minor sons of the late Munindanjappa are necessary parties to the suit.

The defendant believes that the present suit and certain other suits filed by the plaintiff are only attempts to evade an application for probate of the Will, genuineness and execution of which she is not aware of his disputing. 20

6. The defendant is not a necessary party, hence the suit is liable to be dismissed with costs.

Signed E. Ahobalanath,
Advocate for the 2nd Defendant.

Left thumb mark [ ] of Lakshmamma, 25
2nd Defendant.

Bangalore,
30-7-38.

I, the 2nd Defendant abovenamed hereby declare that what is stated above is true to the best of my knowledge and belief. 30

Left thumb mark [ ] of Lakshmamma.
2nd Defendant.

Exhibit P165.

IN THE COURT OF THE DISTRICT MUNSIFF, CIVIL AND MILITARY STATION, BANGALORE. 35

ORIGINAL SUIT No. 28 OF 1936.

Surya Brothers, Legal Practitioners. Bangalore.

Plaintiff: K. M. Narayana Reddy. *Vs.* *Defendants*: Nanjappa *alias* Thayappa and three others.

Written statement under Order VIII, Rule 1 of the Code of Civil Procedure. 40

The 4th Defendant abovenamed begs to state as follows :—

1. The address of this defendant for the purpose of service, etc., is that of her advocate Mr. C. N. Suryaprakash, B.A. B.L., Advocate. Grasmere. Osborne Road Bangalore.

2. This defendant is not aware of the allegations in paras 1 to 4 of this plaint. 45

3. This defendant is not aware of the Will referred to in para 5 of the plaint.

4. The plaintiff would not even produce a copy of the alleged Will when called upon.

5. This defendant denies that there is any collusion between her and the 1st Defendant. 50

6. All her minor sons are necessary parties to the suit.

7. This defendant believes that the present suit is only an attempt to evade an application for probate of a Will the genuineness of which she is not aware of.

8. The plaintiff who is her eldest son has charge of all the documents and account books of her late husband subsequent to whose death he drove out the defendant and her other children from the family house. He has been trying to grab all the property and he has been also guilty of acts of waste.

9. This defendant is not a necessary party to the suit.

10. The suit is liable to be dismissed as against her with costs.

Left Thumb Mark of 4th defendant.

(Sd.) C. N. SURYAPRAKAS,
Advocate for the 4th defendant,
28-3-1936.

I, the 4th defendant above named hereby declare that what is stated above is true to the best of my knowledge and information.

Bangalore,
28-3-1936.

Left Thumb Mark of 4th defendant.

Exhibit P166.

The Agent,
Bangalore Bank, Ltd.,
Bangalore.

Sir,

I shall feel obliged if you kindly transfer the following shares, *viz.*, one hundred shares standing in my name and 55 shares standing in my name and also my wife's name Lakshmamma to my son K. M. Narayana Reddy. I herewith sent transfer form and the share certificate for necessary action.

Thanking you in anticipation.

Yours truly,
Left Thumb Mark of K. Muninanjappa.

Ulsoor,
6-1-1935.

Seal of the Court of the Bench of Magistrates, Civil and Military Station, Bangalore.

Witnessed by me.
(Sd.) H. GUNDAPPA,
S. P. Magistrate,
6-1-35.

Exhibit P167.

THE BANGALORE BANK, LIMITED.

Transfer of Shares.

I, K. M. Narayana Reddy, for and on behalf of K. Muninanjappa (deceased) of Bangalore, in consideration of the sum of Rs. 1,085 (Rupees one thousand eighty five only) paid to me by ..... of..... ....do hereby transfer to the said ....155 shares numbered 40748 - 40802, 50434--40458, 53126—53135, 6241—6305 standing in my name in the Books of the Bangalore Bank, Limited, to hold unto the said ....his Executors, Administrators and Representatives subject to the several conditions on which I held the same at the time of Execution hereof; and I, the said ..... do hereby agree to take the said shares subject to the same conditions.

As witness our hands the 6th day of October 1937.

(Sd.) K. M. Narayana Reddy for and on behalf of K. Muninanjappa (deceased.)

Exhibit P167 (a)

Witness.
(Sd.) A. P. Siva Ramakrishnan.
Witness.
(Sd.) A. P. Siva Ramakrishnan.

SELLER.

(Sd.) K. M. Narayana Reddy	....	Buyer.
(Sd.) K. Muninanjappa	....	Father's name.
Contractor, Banker and Landlord	....	Occupation.
22, Cambridge Road, Ulsoor, Bangalore.		Address.

10

Registered No. 197—7-10-37.

Exhibit P168.

No. C. 546—14th October 1932.

Fixed Deposit Receipt for Rupees 15,000 issued by the Bangalore Bank, Limited, in favour of K. Muninanjappa, Esquire, guardian to minor Saradamma. 15

Exhibit P169.

Fixed Deposit Receipt No. C. 547, dated 14th October 1932, for rupees fourteen thousand only issued by the Bangalore Bank, Limited, in favour of K. Muninanjappa, Esquire, guardian to minor K. M. Balakrishna Reddy.

(Sd.) W. H. HALDWELL, 20
Agent.

Exhibit P170.

Fixed Deposit Receipt No. 548 of 14th October 1932, for rupees five thousand only issued by the Bangalore Bank, Limited, in favour of K. Muninanjappa, Esquire, guardian to minor K. M. Kothandarama Reddy. 25

For the Bangalore Bank, Ltd.

(Sd.) W. H. HALDWELL,
Agent.

Exhibit P171.

Fixed Deposit Receipt No. C. 549 of 14th October 1932, for rupees fifteen 30 thousand only issued by the Bangalore Bank, Limited, in favour of K. Muninanjappa, Esquire, guardian to minor K. M. Purushottam Reddy.

For the Bangalore Bank, Limited.

(Sd.) W. H. HALDWELL,
Agent. 35

Exhibit P172.

Fixed Deposit Receipt No. C. 550, dated 14th October 1932, for rupees one thousand issued by the Bangalore Bank, Limited, in favour of K. Muninanjappa, Esquire, guardian to minor K. M. Balakrishna Reddy for rupees one thousand only.

For the Bangalore Bank, Limited, 40

(Sd.) W. H. HALDWELL,
Agent.

Exhibit P173.

Fixed Deposit Receipt No. C. 560, dated 1st November 1932, for rupees ten thousand only issued by the Bangalore Bank, Limited, in favour of K. Muninanjappa, 45 Esquire, guardian to minor K. M. Kothandarama Reddy.

For the Bangalore Bank, Limited.

(Sd.) W. H. HALDWELL,
Agent.

Exhibit P174.

Fixed Deposit Receipt No. C. 561 of 1st November 1932, for rupees ten thousand only issued by the Bangalore Bank, Limited, in favour of K. Muninanjappa, Esquire, and Srimathi Lakshmamma.

5

For the Bangalore Bank, Limited,

(Sd.) W. H. HALDWELL,
Agent.

Exhibit P175.

Fixed Deposit Receipt No. C. 562 of 1st November 1932, for rupees four
10 thousand only issued by the Bangalore Bank, Limited, in favour of K. Muninanjappa, Esquire, guardian to minor K. M. Mohanajanarthana Reddy.

For the Bangalore Bank, Limited,

(Sd.) W. H. HALDWELL,
Agent.

15

Exhibit P176.

Fixed Deposit Receipt No. C. 563 of 1st November 1932, for rupees four thousand only issued by the Bangalore Bank, Limited, in favour of K. Muninanjappa, Esquire, guardian to minor Meenakshamma.

For the Bangalore Bank Limited,

20

(Sd.) W. H. HALDWELL,
Agent.

Exhibit P177.

Fixed Deposit Receipt No. C. 564, dated 1st November 1932, for rupees four thousand only issued by the Bangalore Bank, Limited, in favour of K. Muninanjappa,
25 Esquire, guardian to minor K. M. Madhava Reddy.

For the Bangalore Bank, Limited,

(Sd.) W. H. HALDWELL,
Agent.

Exhibit P178.

30 Account book of the Bangalore Bank for 1933-34.

Exhibit P178 (a).

Entries in Page 81 of Exhibit P178 which relate to the current account of K. Muninanjappa, 22, Cambridge Road, Bangalore, from 5th December 1933 to 14th May 1934.

35

Exhibit P178 (b).

Entries in Page 280 of Exhibit P178 which relate to the current account of K. Muninanjappa, 22, Cambridge Road, Bangalore, from 14th May 1934 to 15th October 1934.

Exhibit P178 (c).

40 Entries in Page 469 of Exhibit P178 which relate to the current account of K. Muninanjappa, 22, Cambridge Road, Bangalore, from 15th October 1934 to 8th January 1935.

Exhibit P179.

Account book of the Bangalore Bank for 1934-35.

45

Exhibit P179 (a).

Entries in Page Nos. 76 and 77 of Exhibit P179 which relate to the current account of K. M. Narayana Reddy, Contractor, 22, Cambridge Road, Ulsoor, Bangalore from 8th June 1934 to 28th August 1934.

Exhibit P179 (b).

50 Entries in Pages 148 and 149 of Exhibit P179 which relate to the current account of K. M. Narayana Reddy, Contractor, 22, Cambridge Road, Ulsoor, Bangalore from 28th August 1934 to 8th May 1935.

Exhibit P179 (d).

Entries in Page No. 201 of Exhibit P179 which relate to the current account of K. M. Narayana Reddy, Contractor, 22, Cambridge Road, Ulsoor, Bangalore, from 8th May 1935 to 28th August 1935.

Exhibit P179 (d). 5

Entries in Page No. 203 of Exhibit P179 which relate to the current account of K. M. Narayana Reddy, Contractor, 22, Cambridge Road, Ulsoor, Bangalore, from 28th August 1935 to 28th November 1936.

Exhibit P180.

Savings Bank Deposit Ledger of the Bangalore Bank for 1933-35. 1

Exhibit P180 (a).

Entries in Page No. 10 of Exhibit P180 which relate to the Savings Bank accouut No. 229 of K. Muninanjappa, Cambridge Road, Bangalore, from 9th October 1933 to 8th January 1935.

Exhibit P180 (b). 1

Entries in Page No. 32 of Exhibit P180 which relate to the Savings Bank account No. 251 of K. M. Kondandarama Reddy, minor, by his father guardian K. Muninanjappa, Cambridge Road, Bangalore, from 9th October 1933 to 8th January 1935.

Exhibit P181. 2

Bangalore Bank, Limited, Cheque No. K. 48881—25th May 1935.
Pay Mr. S. K. Venkataranga Iyengar or bearer Rs. 400 only.

(Sd.) K. M. Narayana Reddy.

Exhibit P182.

The Agent, Bangalore Bank Limited, Bangalore. 25

Three letters.

Sir,

I shall feel obliged if you kindly transfer the amount standing in the name of my minor son Kodandarama Reddy in Savings Bank Account No. 251 to my son K. M. Narayana Reddy. 30

Thanking you in anticipation.

Ulsoor, Yours truly,
6-1-1935. Left Thumb Mark of K. Muninanjappa.
Father and Guardian to K. M. Kodandarama Reddy, minor.

Witnessed by me. 35

Sd.) H. GUNDAPPA,
S. P. Magistrate,
6-1-1935.

ENDORSEMENT ACROSS THE LETTER.

8-1-1935. 40

Debit Savings Bank Account No. 251, K. M. Kodandarama Reddy, Rupees five thousand one hundred and fifty-one and annas two only, value of amount transfer to K. M. Narayana Reddy's current account Rs. 5,151-2-0.

Id. .. .. 32-5.

Exhibit P183. 45

The Agent, Bangalore Bank, Ltd., Bangalore.

Sir,

I shall feel obliged if you kindly transfer the amount standing in my current account to my son K. M. Narayana Reddy.

Thanking you in anticipation. 50

Ulsoor, } Yours truly,
6-1-35. } Left Thumb Mark of Muninanjappa.

Witnessed by me,

(Sd.) H. GUNDAPPA. TRANSFER.

S. P. Magistrate. 6-1-35.

ENDORSEMENT ACROSS THE LETTER.

Debit current account of K. Muninanjappa, rupees two thousand six hundred and eighty-nine, annas twelve and pies eight, amount credited to K. M. Narayana Reddy's account. Rs. 2,689-12-8.

5 Exhibit P184.

TRANSFER.

The Agent, Bangalore Bank, Ltd., Bangalore.

Sir,

I shall feel obliged if you kindly transfer the amount standing in my name in 10 Savings Bank Account No. 229 to my son K. M. Narayana Reddy.

Thanking you in anticipation.

Yours truly,

Ulsoor, 6-1-35. } Left Thumb Mark of K. Muninanjappa.

15 Witnessed by me.

(Sd.) H. GUNDAPPA,

S. P. Magistrate, 6-1-35.

ENDORSEMENT ACROSS THE LETTER.

8-1-35.

20 Debit Savings Bank Account No. 229 of K. Muninanjappa, rupees nine thousand nine hundred and seventy-seven, annas thirteen and pies ten, value of amount transferred to Mr. K. M. Narayana Reddy's current account. Rs. 9,977-13-10.

Id.....10/5.

Exhibit P. 185.

25 SHARE LEDGER OF THE BANGALORE BANK.

Exhibit P. 185 (a).

K. Muninanjappa (Dead) son of K. Venkatappa, Contractor and Srimathi Lakshmamma, daughter of D. Muniappa.

30 Date	Particulars	Shares Nos.	Total shares	Dr.	Cr.	Dr. or Cr.	Balance
							Rs. a. p.
7-10-1937	B. F. L. L. Folio 141.						
35			55		550	Cr.	550 0 0
	To K. M. Narayana Reddy as of 1st July 1937.	40748/40802	55	550			
40				550	550		
45		Exhibit P185 (b)					
	K. M. Narayana Reddy, son of K. Muninanjappa.						
50 7-10-1937	B.F. from L.L. folio 197 by K. Muninanjappa as of 1st July 1937.		39		390	Cr.	390 0 0
		50434-50458	25		250	,,	640 0 0
55	Do	53126-53135	10		100	,,	740 0 0
	Do	6241-6305	65		650	,,	1,390 0 0

Exhibit P186.

Fixed Deposit ledger of the Bangalore Bank.

Exhibit P186 (a).

Entries in page 91 in Exhibit P186 which relate to the fixed deposit account of K. Muninanjappa, Esq., Guardian to minor Sharadamma, Contractor, 22, Cambridge Road, Ulsoor, Bangalore. 5

Exhibit P186 (b).

Entries in page 91 in Exhibit P186 which relate to the fixed deposit account of K. Muninanjappa, Esq., Guardian to minor K. M. Balakrishna Reddy, 22, Cambridge Road, Ulsoor, Bangalore. 10

Exhibit P186 (c).

Entries in page 92 in Exhibit P186 which relate to the fixed deposit account of K. Muninanjappa, Esq., guardian to minor K. M. Kodandarama Reddy, 22, Cambridge Road, Ulsoor, Bangalore.

Exhibit P186 (d). 15

Entries in page 92, in Exhibit P186, which relate to the fixed deposit account of K. Muninanjappa, Esq., guardian to minor Purushotham Reddy, 22, Cambridge Road, Bangalore.

Exhibit P186 (e).

Entries in page 92, in Exhibit P186 which relate to the fixed deposit account of K. Muninanjappa Esq., guardian to Minor K. M. Balakrishna Reddy, 22, Cambridge Road, Bangalore. 20

Exhibit P186 (f).

Entries in page 93, in Exhibit P186 which relate to the fixed deposit account of K. Muninanjappa, Esq., guardian to minor K. M. Kodandarama Reddy, 22, Cambridge Road, Bangalore 25

Exhibit P186 (g).

Entries in page 93, in Exhibit P186 which relate to the fixed deposit account of K. Muninanjappa, Esq., Srimathi Lakshmamma, payable to either or survivor 22, Cambridge Road, Bangalore. 30

Exhibit P186 (h).

Entries in page 93 in Exhibit P186 which relate to the fixed deposit account of K. Muninanjappa, Esq., guardian to minor K. M. Mohanajanarthana Reddy, 22, Cambridge Road, Bangalore

Exhibit P186 (j). 35

Entries in page 94, in Exhibit P186 which relate to the fixed deposit account of K. Muninanjappa, Esq., guardian to minor Meenakshamma, 22, Cambridge Road, Bangalore.

Exhibit P186 (k).

Entries in page 94, in Exhibit P186 which relate to the fixed deposit account of K. Muninanjappa, Esq., guardian to minor K. M. Madhava Reddy, 22, Cambridge Road, Bangalore. 40

Exhibit P187.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE. 45

C. M. P. No. 115 OF 35.

O. S. 22 OF 1934.

Petitioners :—T. D. M. Fernandez and another.
Counter Petitioners :—K. M. Narayana Reddy and another.

Under Sections 151 and 153 of the C. P. C. 50

For the reasons stated in the accompanying affidavit the petitioners above-med pray the Court to permit them to bring Mrs. Lakshmamma, widow of the

deceased Muninanjappa, as their legal representative in addition to K. M. Narayana Reddy, the second defendant and also to permit to amend their petition accordingly

BANGALORE,
Dated 11th March 1935.

(Sd.) J. L. D'Silva,
Advocate for Petitioner.

TRUE COPY.

Supdt. of Copyists

Words—160.
Interlineations.
Alterations.
(Intd.) B. K.

Application made—4th April 1940.
Stamp papers or charge called for—5th April 1940.
Stamp papers or charge deposited—5th April 1940.
Copy ready—5th April 1940.
Copy delivered or posted—5th April 1940.

(Intd.) Not clear.
Supdt. of Copyists.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

C. M. P. No. 115 OF 1935.

O. S. No. 22 OF 1934.

Petitioners:—T. D. M. Fernandez and another.

Counter Petitioners:—K. M. Narayana Reddy and anot

I, T. D. M. Fernandez, aged about 47 years, retired Civil Servant, British Colonial Service, residing at Walton Road, Bangalore, do hereby make oath and say as follows:—

1. I am one of the petitioners in the above case.

2. I have filed an application to bring the 2nd defendant as the legal representative of the deceased Muninanjappa, the first defendant in the above case.

3. That subsequent to my filing the application to bring the legal representative of the deceased I was informed by the 2nd defendant in the presence of the Court that the deceased, Muninanjappa has left a Will appointing himself and the widow of the deceased, Mrs. Lakshmamma, the mother of the 2nd defendant as executors. was not aware at the time of filing the application for bringing the legal representatives on record that the deceased had left a Will.

4. Under the circumstances it is therefore necessary that I should be permitted to bring the said Mrs. Lakshmamma, widow of the deceased, as the legal representative of the 1st defendant and also in addition to K. M. Narayana Reddy the 2nd defendant, it is necessary that the Court should permit me to amend my petition accordingly.

(Sd.) T. D. M. Fernandez.

Sworn to by the said T. D. M. Fernandez this 11th day of March 1935 in the presence of:—

(Sd.) J. L. D'Silva,
Notary Public.

TRUE COPY.

(Sd.) Not clear.

Supdt. of Copyists.

Words—320.
Sheets 2.
Interlineations.
Alterations.
(Intd.) M. A. N.

Application made—4th April 1940.
Stamp papers (or charges) called for—5th April 1940
Stamp papers or charges deposited—5th April 1940
Copy ready—5th April 1940.
Copy delivered or posted—5th April 1940.

Exhibit P188.

Prescription Book of the Bangalore Pharmacy, Civil and Military Station, Bangalore; and

Exhibit P188 (*a*).

Last entry in page 349 in Exhibit P188, both of which have been returned to P. W. 73 retaining a true copy of Exhibit P. 188 (*a*) which has been marked as Exhibit P. 189 in the case.

Exhibit P189.

For

Mr. K. Muninanjappan.

Copy of Prescription No. 27—50091, dated October 7th, 1934.

Rx

Sodi Bicarb	....	Grs. XXX
Sodi Citras	....	Grs. XV
Pot. Citras	....	Grs. X
Calcium Carb	....	Grs. XX
Hexamine	....	Grs. XXX
Mag. Sulph	....	Grs. XX
Aqua menthii Pip ad	....	ʒi.
Inft mist milte	....	ʒii.

Sig ʒi every 4 hours. (Sd.) Lt. Col. J. B. Hance, I. M. S.

"True Copy"

(Sd.) A. M. Bride,

The Bangalore Pharmacy.

18-7-40.

Rept. October 10th 1934.
Rept. October 14th 1934.

(Intd.) A. M. B.,

Repted. also on 20th October 1934.

(Sd.) A. M. Bridle.

Exhibit P190.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

O. S. No. 22 of 1934.
C. M. P. 64 of 1935.

Petitioners.—T. D. M. Fernandez and another.

Vs.

Cr. Petitioner.—K. M. Narayana Reddy.

I, T. D. M. Fernandez, aged about 47 years, retired civil servant, British colonial service, residing at Walton Road, do hereby make oath and say as follows: —

1. I am one of the plaintiffs in the above case.

2. I have filed a suit against the above Cr. Petitioner praying for possession of the suit premises and for a permanent injunction restraining the Cr. Petitioner from interfering with my possession of the said premises. and the case has now been posted for orders by this Hon'ble Court.

3. That subsequent to my filing the said suit the 1st defendant who is the father of the 2nd defendant died in or about the 5th January 1935.

4. That as far as I am aware the deceased has left the 2nd defendant as his only legal representative.

5. That for the purpose of this case it is therefore necessary that the Cr. Petitioner be brought on record as the legal representative of the 1st defendant.

6. I therefore pray that the Cr. Petitioner K. M. Narayana Reddy be brought on record as the legal representative of the 1st defendant.

(Sd.) Fernandez.

Sworn to by the said T. D. N. Fernandez this 14th day of February 1935 in the presence of:—

(Sd.) J. L. D. Silva,
Notary Public.

Exhibit P191.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

C. M. P. No. 115 of 1935.

5 O. S. No. 22 of 1934.

Petitioners.—T. D. M. Fernandez and another.

Vs.

Cr. Petitioners.—K. M. Narayana Reddy and another.

I, T. D. M. Fernandez, aged about 47 years, retired civil servant, Colonial 10 service, residing at Walton Road, Bangalore, do hereby make oath and say as follows:—

1. I am one of the petitioners in the above case.

2. I have filed an application to bring the 2nd defendant as the legal representative of the deceased Muninanjappa the 1st defendant in the above case.

15 3. That subsequent to my filing the application to bring the legal representative of the deceased I was informed by the 2nd defendant in the presence of the court that the deceased, Muninanjappa has left a will appointing himself and the widow of the deceased Mrs. Lakshmamma the mother of the 2nd defendant as Executors. I was not aware at the time of filing the application for bringing 20 the legal representatives on record that the deceased had left a will.

4. Under the circumstances it is therefore necessary that I should be permitted to bring the said Mrs. Lakshmamma widow of the deceased as the legal representative of the 1st defendant and also in addition to K. M. Narayana Reddy the 2nd defendant it is necessary that the court should permit me to amend my petition 25 accordingly.

(Sd.) Fernandez.

Sworn to by the said T. D. M. Fernandez this 11 day of March 1935 in the presence of:—

(Sd.) J. L. D. Silva,
30 Notary Public.

Exhibit P192.

Day (account) book of the Travancore National and Quilion Bank, Ltd. (under liquidation).

Exhibit P192 (*a*).

35 Entry made on page 96 in Exhibit P192 *re*: payment of Rs. 500 to Mr. C. V. Narasimha Iyengar.

	L.F. No.	*Cash.* Rs.	a.	p.	*Total.* Rs.	a.	p.
Friday the 8th March 1940.—							
40 By suspense a/c. payments.							
Amount, paid to Mr. C. V. Narasimha Iyengar, sanctioned by the local court on 2nd March 1940.	273	500	0	0	500	0	0
Expenditure	329		....			....	
45 Cost of stamps affixed to the two receipts for Rs. 400 and Rs. 100 from Mr. Narasimha Iyengar.	....	0	2	0	0	2	0
Total	....	500	2	0	500	2	0
50 By cash on hand					114	10	10
					614	12	10

Exhibit P193.

Received from Mr. P. O. Koshy, Agent, T. N. & Q. Bank Ltd. (in liquidation) Bangalore, a sum of Rs. 100 (Rupees one hundred only) to be adjusted towards the amount of Rs. 500 sanctioned by the C. & M. Station District Court in conection with the liquidation proceedings of the Travancore National and Quilon Bank. 5

On one anna stamp.

(Sd.) C. V. NARASIMHA IYENGAR.

Bangalore,
2nd March 1940.

Exhibit P194. 10

Received from Mr. P. O. Koshy, Agent, Travancore National and Quilon Bank Ltd., (in liquidation) Bangalore, a sum of rupees 400 (Rupees four hundred only) to be adjusted towards the amount of Rs. 500 sanctioned by the C. & M. Station District Court, in connection with the liquidation proceedings of the T. N. & Q. Bank. 15

On one anna stamp.

(Sd.) C. V. NARASIMHA IYENGAR.

Bangalore,
3rd March 1940.

Exhibit P195. 20

Post Box No. 1357. Telegrams: MERGER" Telephone No. 4464.

TRAVANCORE NATIONAL AND QUILON BANK, LIMITED,
(IN LIQUIDATION).

CENTRAL OFFICE, MADRAS. No. 8475.

11th May 1940. 25

Private and Confidential.

P. O. Koshy, Esq.,
Agent,
Bangalore Cantonment.

30

Dear Sir,

We are in receipt of your letter of the 10th instant regarding your appearance in Court in connection with the Moshakundam Krishna Murthy murder case. Attention has been drawn to the "Hindu" dated Wednesday, the 8th May 1940, wherein is reported your evidence. If the report is correct it would appear that you had a sum of Rs. 500 of your own money which was retained by you in the 35 office safe. Firstly the practice of keeping private money in the Bank's safe must be discontinued forthwith and secondly it forces us to regard the amount due to the Bank and its repayment in a very different light.

It was on your assurance that your financial position was very weak that we agreed to accept repayment of the loan in instalments of Rs. 30 per mensem. 40 Meanwhile it appears now that you have atleast Rs. 500 in cash at your disposal and we require you to settle your loan account in full before the end of this month.

We shall be glad to have your explanation on your visit to the bank's premises to obtain money from the safe at the late hour of 10-30 P.M. together with a full report on how far you are implicated in this case. 45

Yours, faithfully,
(Sd.) Not clear.
For *Self and Co-official Liquidators.*

Exhibit P196.

Office Copy.

TRAVANCORE NATIONAL AND QUILON BANK, LTD. (IN LIQUIDATION)
BANGALORE CANTONMENT.

5 10th May 1940.

Central Office,
Madras,
Dear Sirs,

The undersigned was summoned by the Special Magistrate, Bangalore City, 10 on the 7th instant to appear before him and give evidence in Moshakundam Krishnamoorthy murder case and also to produce the Bank's books. As the summons were of very short notice we could not obtain previous sanction from you.

The undersigned was asked to give evidence regarding payment of Rs. 500 made to Mr. C. V. Narasimha Iyengar, our committee member, and a close relative 15 of Mr. S. K. Venkataranga Iyengar, the fifth accused in the case. Our Day Book was produced and it is marked as an exhibit. We are making arrangements to get it back.

Very truly yours,
T. N. & Q.B.Ltd. (In Liq.)
20 Id. Not clear.
For Official Liquidators.

Exhibit P197.

Office Copy.

TRAVANCORE NATIONAL AND QUILON BANK, LTD. BANGALORE CANTONMENT.

25 14th May 1940.

Private and Confidential.

Central Office.
Madras.
Dear Sirs,

30 I am in receipt of your letter No. 8475 of the 11th instant.

On 2nd March 1940 at the suggestion of the local District Judge, Mr. C. V. Narasimha Iyengar applied to him for an additional sum of Rs. 1,000 in connection with an appeal to be perferred in the Resident's Court, regarding co-operation with Travancore. At about 1 P.M. on the same day Rs. 500 was sanctioned and I was 35 also present in court with Mr. Narasimha Iyengar. Our cash on hand on that day was Rs. 94-12-10. The appeal was to be heard in Chittoor on 5th March 1940 and Mr. Venkatarama Sastry had to be engaged and his fees paid before that date. There was no time to write to you and get money. The idea was that somebody should go to Madras on Saturday itself to engage Mr. Venkatarama Sastry. From 40 court Mr. Narasimha Iyengar and myself returned to the office at about 2 P.M. Fortunately I had Rs. 1,000 with me on that day. As the demand was very urgent I offered to pay Mr. Narasimha Iyengar and reimburse myself when remittance was received from you. Immediately he took Rs. 100 from me for expenses to go to Chittoor where the Resident's Court was being held. Mr. Narasimha Iyengar left 45 the office some time later asking me to keep all the papers concerning the efforts of our committee for co-operation, ready. I met Mr. Narasimha Iyengar, his son and Mr. S. K. Venkatarangam (the fifth accused in the murder case) at 10-30 P.M. on Sunday the 3rd of March when I was just going to bed. Mr. Narasimha Iyengar told me that he is sending Mr. S. K. Venkatarangam to Madras early next morning 50 by express to engage Mr. Venkatarama Sastry and that he wanted the court papers along with the balance of Rs. 400. In absolute good faith and with a view to be useful to the committee in my own humble way, I opened the Bank's safe, where my money was kept, gave him Rs. 400 and the court papers. This is all what had happened. On Monday at about 5 O'clock I heard about the kidnapping of 55 Mr. Mokshakundam Krishnamoorthy and subsequently the alleged connection of Mr. S. K. Venkatarangam with the murder.

To be very frank with you it was my practice to keep whatever little money I used to have of my own in the Bank's safe separately. I admit, that this practice is not very good and as desired by you it will be discontinued forthwith.

I am really sorry that this unhappy incident has affected my loan account. I have never misguided you as far as my financial position is concerned. It is still very weak. The Rs. 1,000 that I had with me belonged to my brother-in-law. This money was kept with me for about a year, as I undertook to find a good investment for it in Bangalore. For a few days before this incident occurred it was lying idle with me and it was returned to him on 10th March 1940, when I went home on leave. I should like to impress upon you once again my inability to close my loan account by the end of this month. If you insist on my doing so I will be nowhere. I had already informed you that my father passed away recently and being the only son all the family burden has fallen on me. I have yet to clear a good bit of the family liabilities and the additional income that I am getting at present is being entirely utilised for that purpose.

I hope what is stated above will satisfactorily meet and explain all the points raised in your letter under reference.

Yours faithfully,
(Intd.) Not clear.

Exhibit P198.

Statement of Receipts disbursements of Rs. 1,000 sanctioned by the District Court, C. & M. Station, Bangalore, in connection with the liquidation proceedings of the T. N. & Q. Bank (in Liquidation).

Receipts.		Rs.	*Expenses.*	Rs.
10th August 1939.	By amount received from the Agent, T. N. and Q. Bank.	50 0 0	10th August 1939.— To expenses incurred by Mr. C. V. N. Iyengar and S. K. V. Iyengar to engage counsel at Madras for the application to the M. H. Ct. ..	50-0-0
Do	Do	100 0 0	10th August 1939.— To amount paid to Mr. K. Bhashyam, Advocate, Madras for fees ...	100-0-0
3rd October 1939.	Do	200 8 0	3rd October 1939.— To amount sent to Mr. K. Bhashyam, by D. D. for fees and expenses in Travancore....	200-8-0
30th October 1939.	Do	100 0 0	30th October 1939.— To amount sent to Mr. K. Bhashyam being additional fees for a Senior counsel in Travancore	100-0-0
6th February 1940.	Do	49 8 0	6th February 1940.— To expenses incurred by Mr. C. V. N. Iyengar and Mr. S. D. Ganesha Rao to go to Madras and consult counsel in the matter of making application to Travancore	49-8-0

Exhibit P198 (a)

2nd March 1940.	Do	100 0 0	2nd March 1940.— To expenses incurred by Mr. S. K. V. Iyengar to go to Madras and engage counsel for appeal in Chittoor	25-0-0

Receipts.		Rs.	Expenses.	Rs.
2nd March 1940.	By amount received from the Agent T. N. & Q., Bank.		2nd March 1940.— To expenses incurred by Mr. C. V. N. Iyengar to go to Chittoor, copying expenses, etc.	75-0-0

Exhibit P198 (b).

3rd March 1940.	Do	400 0 0	3rd March 1940.— To amount paid as fees and expenses to Mr. Venkatarama Sastry to attend the hearing at Chittoor	400-0-0
	Total	1,000 0 0	Total	1,000-0-0

Bangalore, dated 9th April 1940.

(Sd.) C. V. NARASIMHIENGAR.

Voucher for payments made to Mr. Venkatarama Sastry is herewith produced.

Do to Mr. K. Bhashyam will be produced when received from Mr. Bhashyam as promised in his letter dated 31st March 1940.

Dated 9th April 1940.

(Sd.) C. V. NARASIMHIENGAR,
Member, Committee of Inspection,
T. N. & Q. Bank (in Liquidation).

Exhibit P19

10th August 1939.—1. Received from the Agent, T. N. & Q. Bank (in Liquidation) for expenses of Mr. C. V. Narasimha Iyengar and Mr. S. K. Venkataranga Iyengar to go to and return from Madras to engage counsel to make application etc., to the Madras High Court .... Rs. 50-0-0

10th August 1939.—2. Paid to Mr. K. Bhashyam, Advocate, Madras for fees and expenses .... Rs. 100-0-0

3rd October 1939.—3. Sent to K. Bhashyam by demand draft for fees and expenses in Travancore .... Rs. 200-8-0

30th October 1939.—4. Additional fees sent by demand draft to Mr. K. Bhashyam for payment to a senior counsel in Travancore .... Rs. 100-0-0

6th February 1940.—5. Received from the Agent, T. N. & Q. Bank (in Liquidation) for expenses of Mr. C. V. Narasimha Iyengar and Mr. S. D. Ganesha Rao to consent counsel in Madras in the matter of making application to Travancore .... Rs. 49-8-0

Exhibit P199 (a).

2nd March 1940.—6. Received from the Agent, T. N. & Q. Bank (in Liquidation) for expenses of Mr. S. K. Venkataranga Iyengar to engage counsel in Madras. (Rs. 25) and for Mr. C. V. Narasimha Iyengar for expenses to attend the hearing of the appeal in Chittoor copying expenses etc. (Rs. 75) .... Rs. 100-0-0

Exhibit P199 (b).

3rd March 1940.—7. Received from the Agent, T. N. & Q. Bank (in Liquidation) fees to Mr. T. R. Venkatarama Sastriar to attend hearing at Chittoor .... Rs. 400-0-0

Total ... Rs. 1,000-0-0

Exhibit P200.

4th March 1940. Complaint given by P. W. 83 Mr. G. K. Raghavendra Rao on 4th March 1940 to the Kengeri Gate Police.

One Mr. G. K. Raghavendra Rao, son of Mr. G. Krishnaswami, junior to Mr. M. Krishna Murthy, B.A., LL.B., residing in Fort Central Main Road, Basavangudi, reported in the Station that on 2nd March 1940 at 7-30 P.M. Mr. Krishna Murthy, left the office at Cottonpet and till now the said individual did not go to his house. His relatives and others searched for him but could not trace him and that arrangements may kindly be made to trace Mr. M. Krishna Murthy who is missing since the above time; and that Krishna Murthy had the following clothes on his person when he left the office.

Clothes that were on the person of Mr. M. Krishna Murthy: A lace turban, open collared silk coat, a striped shirt, Melkote pance, a pair of spects and a walking stick.

In this connection a telephone message was received in this station being transmitted from Bangalore, Shoolay, Daffedar 51 Samuel upon the missing complaint lodged in B1 Station.

Daffedar 56 who received the phone message at 10·5 A.M., on 3rd March 1940, noted the same in telephone message book and intimated the staff to be on the look out.

I too have instructed the staff to trace the missing man. If traced the fact will only be reported.

(Sd.) Not clear.
S. I.

Exhibit P201.

"Printed copy of the Memorandum and Articles of Association of the Bangalore Bank, Limited, No. 12, South Prade, Bangalore."

Exhibit P202—(1) to (24).

Twenty-four specimen cards of the Mysore Bank containing the thumb impression of illiterate depositors.

Exhibit P203.

Received—8-3-40.

Mylapore, 7-3-40.

My Dear Gundappa,

What a tragic fate for M. Krishnamurthi. I could hardly believe that Bangalore has such brutal fellows. What is the belief. I heard at Chittoor from C. V. N. that it is believed that enemies of his clients have taken the revenge for wrongs fanned or real.

I wrote to Ramachandra Rao and Visvesvaraiya whom alone I know. I knew him from a brother-in-law of Mr. Venkatasubbaiya.

Yours sincerely,
(Sd.) VENKATARAMA SASTRY.

Exhibit P204.

(Filed in Court by Advocate. (Id.) 24-7-39.)

IN THE HIGH COURT OF MYSORE AT BANGALORE.

C. P. No. 105 OF 1938-39.

Petitioner.		*Opponent.*
M. Krishna Murthy.	*Vs.*	B. T. Ramaswami.

The opponent submit the following statement:—

1. That his letters which are among the records may kindly be read as part and parcel of this statement.

2. That the opponent did not prepare the affidavit. Since he did not prepare it and the party had himself sworn to it, he is not responsible for the allegations.

3. The opponent has the highest respect towards the learned Sub-Judge, His Honour Mr. G. Krishna Murthy. He has absolutely no malice towards the petitioner.

4. The opponent hereby assures that he never was nor did ever intend to be party to any wrongful or questionable act towards the learned Sub-Judge.

5. The opponent respectfully submits that the various statements contained in the petitioner's application touching the opponent are entirely beside the point and damaging to the opponent.

6. The opponent belongs to a respectable family and has an unblemished record in the profession.

7. The opponent further respectfully begs to submit that as the reply which he has given to the petitioner makes it clear, he never associated himself with the Affidavit and he has nothing but unstinted praise for the learned Sub-Judge and he would be the last man to malign a person for whom he has none but the highest regard.

(Sd.) R. VENKATARAMIAH,
Advocate for Opponent.

(Sd.) B. T. RAMASWAMI,
Opponent.

Bangalore City,
24th July 1939.

Exhibit P205.

(Vakalath, dated 13th July 1939 in C. P. 105—1938-39 of the High Court of Mysore, Bangalore signed by Mr. B. T. Ramaswami).

(By Opponent. (Id.) 13-7-1939.)

IN THE HIGH COURT OF MYSORE, BANGALORE.

C. P. No. 105 OF 1938-39.

Petitioner.		*Opponent.*
M. Krishna Murthi.	*Vs.*	B. T. Ramaswami.

I, B. T. Ramaswami, the opponent do hereby appoint and retain Mr. R. Venkataramaiah, M.A., LL.B., Advocate to appear for me in the above suit—Original —Miscellaneous petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. I empower my Advocate to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and draw any money that might be payable to me in the said suit or matter.

[Sd. B. T. Ramaswami,
'ersonally known to me and signed in my presence.]

Accepted.

(Ind.) R. V.,
Advocate.

(Sd.) R. Venkataramaiah,
Advocate, Bangalore City,
for Opponent, 13-7-1939.

Exhibit P206.

TRAVANCORE NATIONAL AND QUILON BANK, LTD.
(Incorporated in Travancore 1912).

Telegraphic Address:
"*Bartex.*"

In Replying please qu

PROCEEDINGS OF THE MEETING OF THE COMMITTEE OF INSPECTION, TRAVANCORE NATIONAL AND QUILON BANK, LTD. (IN LIQUIDATION), CIVIL AND MILITARY STATION, BANGALORE.

At the request of Mr. C. V. Narasimhiengar, one of the members, a meeting of the above committee was held at No. 1, Museum Road, on Tuesday the 12th instant at 3 P.M.

All the members were present.

The following resolutions were passed:—

1. That the Madras High Court may be moved, to immediately direct the payment of three annas in the rupee to the Civil and Military Station creditors, irrespective of the order that may be passed by the Travancore Court regarding the co-operation of its liquidators with the various other liquidators of the Bank.

2. That in case this application is refused by the Madras High Court, to claim the deficit of liabilities over assets in the Civil and Military Station branches, amounting to Rs. 17 lakhs, as trust money, to be retured en-block, by the Madras Liquidators, out of their assets, before making the distribution amongst the British Indian Creditors.

3. That in the event of failure to secure the above, the Madras High Court may be moved to treat the Civil and Military Station branches as a British Indian Creditor, having advanced Rs. 17 lakhs, out of the Civil and Military Station assets and pay the first instalment of three annas to the creditors in Civil and Military Station.

4. That the committee authorises Mr. C. V. Narasimiengar, to make an application to the local court, to order payment of the necessary funds out of the Civil and Military Station branch assets. to the Committee, in order to defray the expenses, to move the Madras High Court.

5. That in view of the difficulty to get together all the members of the Committee, Mr. C. V. Narasimiengar is further authorised to do all that is necessary and to make all appearances, applications and acts, in the Madras High Court, to give effect to the above resolutions.

6. That in case the local court refuses to order payment of the necessary funds for expenses, Mr. P. O. Koshy is authorised to raise the same, by contributions from such of the creditors, as are willing to pay.

The meeting came to a close at 4-30 P.M.

Bangalore Cantonment,
12th July 1939.

Sd. C. V. Narasimiengar
Chairman.

Exhibit P207.

T. R. Venkatarama Sastri.

Date 25-3-1940. 69.

The M. L. J. Press, Mylapore, Madras.

Received from Mr. C. V. Narasimhaiyengar through S. K. Venkataranga-iyengar.....rupees four hundred only received on 4th March being part fee Rs. 300 and expenses Rs. 100.
Rs. 400.

Bears 1 anna stamp India Revenue.
Signed on it T. R. V. SASTRI.

Exhibit P208.

T. R. Venkatarama Sastri.

"Kaustubha,"
Edward Elliot Road,
Mylapore. 12-3-40.

Dear Mr. Narasimhaiyengar,

Your letter touches on the arrest and says no more. I cannot judge; I can only say I cannot believe. That he is innocent is my belief. I have my reason in his last visit to me on your behalf. I cannot associate what transpired here with crime. My judgment is based on my notion of the criminal mind and its ways. My son says this might be misunderstood. What I mean is that he was anxious to go back to his work and not to accompany me to Chittoor. That is to me inconsistent with the suspicion against him.

I am thinking of moving elsewhere. But your letter says nothing of what you are doing. Have you collected money for the expenses. Ours is a country asking for things without effort and each shoving on to other shoulders burdens which each must bear equally.

I should like to know what you intend to do and are doing if not have already done.

Exhibit P209.

Mylapore,
3-3-40.

Dear Mr. Narasimhaiyengar,

I am trying to arrange for Madras. Your judge has made matters definitely worse. As publication is very bad move. Travancore has written that you co-operate and they are providing for you. Your judge having closed it. Mr. Newsam must open it again.

I wired this morning about fee. I would again asking you to come here for taking the right move.

The rest I can say only personally.

Yours sincerely,
(Sd.) T. R. V. SASTRI.

Exhibit P210.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT. 26.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay Rs. As.

Office Stam

Bangalore City Tel. 3rd March 194

Handed in at (Office of origin) Madras .... Date 3 Hour 8 Minute 50

Service Instruction. Words 13.
Recd. here at 9 H. 37 M.

To

C. V. Narasimhaiyengar, Advocate, B. S. C.
Come 1500 plus expenses.
Venkataramasastri.

Exhibit P211.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.
Notice.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay Rs. As.

Office Stam
Bangalore (
Tel.
3rd Mar. 4

Handed in at (Office of Origin) Madras. Date. 3 Hour. 16 Minute. 5

Service Instructions words (1
Recd. here at 16 H 37 M.

To

C. V. Narasimhiengar, Advocate, Bg. C.
Come to-day presence necessary for successful arrangem
Venkatramsastri.

Exhibit P212.

Dr. Y. Sankara Rao, Physician and Surgeon, I—C. Saadut Dispensary, Road.
Bangalore.
10-1-19

Produced by P. W. 1—O. S. 11—37-38

District Court.
O. S. 11—37-38.

Exhibit V.—Id.—G. P., District Judge.

23-6-39.

G. R. Rau,
for *Defendant*. 6-6-3

Fees for Professional Services:—
A—C. .... Rs. 348-12-0
Exhibit P144 in C. C. 1—39-40.
Id—R. P., Special First Class Magistrate, 8-5-40.
Rupees three hundred and forty-eight and annas twelve only.
(Sd.) Y. Sankara Rao.

M. R. Ry.
K. M. Narayana Reddy garu,
Landlord.

Produced in O. S. 11—37-38, District Judge's Court, Bangalore, for defendants

(Sd.) M. Krishna Murthi, 5
Advocate for defendants.

Bangalore City,
6-6-39.

Exhibit P213.

List of account prepared by late K. Muninanjappa.

Exhibit P214. 10

List of account prepared by accused 1.

Exhibit P215.

List of account prepared by Gurumoorthy, brother-in-law of Accused 1.

Exhibit P216.

Account Book of the estate of K. Muninanjappa maintained by P. W. 92. 15

Exhibit P217.

Account Book of the estate of K. Muninanjappa maintained by him.

Exhibit P218

IN THE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE, BANGALORE. 20

CRIMINAL CASE No. 1 OF 39-40.

Government of Mysore *Vs.*
1. K. M. Narayana Reddy.
2. V. S. Ponnambalam.
3. Muniga.
4. Rama. 25
5. Maddura *alias* Muni-Maddura.
6. S. K. Venkataranga Iyengar.

6th April 1940. Records in the case received to-day through the District Magistrate's Memo No. J.1 1725 of 39-40, dated 5th April 1940. The Public Prosecutor Mr. G. S. Doraswami Iyer who is present says that he will file the list 30 of witnesses to be examined on the 10th. The enquiry will commence on the 11th April. The argument regarding application by the counsels for A1 to A6 for the grant of copies of confession statements will be heard on the 10th. Case is posted to 10th. Mr. Ethirajalu for A1 is present. Copies of list of witnesses to be examined to be furnished to the counsels for the accused. The articles produced by 35 the Police to-day may be received except van and motor car which may be left in the custody of the Police and produced before the Court whenever required. Mr. P. Rajaratnam, Additional Public Prosecutor is also present. Intimate the other counsels for the accused the next date of hearing. Mr. H. S. Raja Iyengar for A6 is present. 40

(Ind.) R. P. M.,
F. C. M.

6th April 1940 later. Accused V. S. Ponnambalam produced in custody before me by the City Police and he is remanded to the Byramangala Jail till the 15th instant as per instructions of Government conveyed through the District Magistrate's Memo No. J. 1 1725 of 39-40, dated 5th April 1940. 45

(Ind.) R. P. M.,
F. C. M.,
6-4-40.

10th April 1940. Case called. Mr. P. Rajaratnam for prosecution and Mr. Ethirajalu for A1 and Mr. H. S. Raja Iyengar for A6 are present. Mr. P. Rajaratnam files a list of witnesses to be examined. Issue summons to ten witnesses each day in the order in which the names are mentioned in the list. The first batch of ten witnesses may be summoned to appear on 15th April 1940. As Mr. H. S. Raja Iyengar for A6 represents that he has not yet taken certain copies of documents and that the enquiry may be started without any impediment from the 15th April, case is posted to 15th instant.

Heard the arguments of Messrs. H. S. Raja Iyengar and Ethirajalu Naidu for the accused A6 and A1, respectively, and of Mr. P. Rajaratnam for the prosecution regarding grant of copies of confession statement and first information report. Orders will be passed on the 15th instant in the matter. Address Superintendent, Central Jail, to produce the accused A1, A3, A4, A5 and A6 before this Court on the 15th at 11 A.M.

(Ind.) R. P. M.,
F. C. M.

15th April 1940. Case called. Orders rejecting the application for copies of certain documents prayed for by counsel for A1 and A6 were passed. Accused Narayana Reddy, Muniga, Rama, Maddura and Venkataranga Iyengar were produced in custody from the Central Jail. Accused Ponnambalam was produced in custody from Byramangala Jail. The latter having been tendered pardon by the District Magistrate, Bangalore District, on 1st April 1940 was treated as an approver in the case and was examined as a witness. Mr. G. R. Ethirajalu Naidu appeared for A1. Mr. H. R. Guruva Reddi appeared for A2 and A3 and Mr. G. Chennaraya Reddi for A4. Messrs. V. V. Srinivasa Iyengar and H. S. Raja Iyengar appeared for A5. Public Prosecutor and Additional Public Prosecutor were present. The case proceeded only against five accused—Narayana Reddi A1, Muniga A2, Rama A3, Maddura A4 and Venkataranga Iyengar A5. None of the counsels wanted to cross-examine the approver who was only examined in chief. As the court time is over case is posted to 17th April 1940. The accused may be remanded to the Central Jail, till 17th April 1940. The approver Ponnambalam may be remanded to Byramangala Jail till 17th April 1940. The other witnesses summoned to-day may be bound over to come on 17th April 1940.

(Ind.) R. P. M.,
S. F. C. M.

17th April 1940. Case called. Accused A1 to A5 produced in custody. Nine witnesses were examined in full. Case is posted to-morrow as court time is over. The other witnesses present to-day may be asked to come to-morrow. Issue summons to witnesses required by the Prosecutor for to-morrow. The accused may be remanded till to-morrow and P. W. 1, approver, also till to-morrow.

(Ind.) R. P. M.,
S. F. C. M.

18th April 1940. Case called. Accused A1 to A5 produced in custody. Counsels Mr. H. S. Raja Iyengar for A5 and Mr. Guruva Reddy for A2 and A3, Mr. Chennaraya Reddi for A4 and Mr. Ethirajalu Naidu for A1 present. The Public Prosecutor and Additional Public Prosecutor are also present. Fifteen witnesses were examined in full. Case is posted for to-morrow as court time is over. Taxi car, M. O. 14, is permitted to be taken back by P. W. 12 on a mutchalika for production of the same before the Court whenever required. Accused 1 to 5 are remanded to custody till to-morrow and so also P. W. 1 to Byramangala Jail.

(Ind.) R. P. M.,
S. F. C. M.

19th April 1940. Accused produced in custody and also approver, P. W. 1. Counsels for A1 to A5 present and also the Public Prosecutor and Additional Public Prosecutor. Eleven witnesses were examined in full. P. W. 11 was recalled and further examined. As court time is nearly over case is posted to 22nd April 1940. Accused remanded till 22nd April 1940 and also P. W. 1, approver, in the case till the same date.

(Ind.) R. P. M.,
S. F. C. M.

22nd April 1940. Case called. Accused in custody present. P. W. 1 also produced in custody. Five witnesses examined in full. As the court time is nearing case is adjourned to 24th March 1930. Accused may be remanded to custody in Central Jail and P. W. 1 in Byramangala Jail. Counsels for A1 to A5 and Public Prosecutor and Additional Public Prosecutor present. 5

(Ind.) R. P. M.,
S. F. C. M.

23rd April 1940. Case called. Accused as well as approver, P. W. 1, present in custody. Five witnesses were examined in full. Three more are present. Counsels for A1 to A5 are present and the Public Prosecutor as well as Additional 10 Public Prosecutor are present. Three witnesses who are not examined to-day are to appear to-morrow. Accused and P. W. 1 may be remanded to custody till to-morrow.

(Ind.) R. P. M.,
S. F. C. M. 15

24th April 1940. Case called. Accused and their counsels present. P. W. 1 present in custody. Mr. C. V. Narasimha Iyengar, Advocate, appears also for A5 to assist Mr. H. S. Raja Iyengar, counsel for A5. He is permitted to do so. Three witnesses examined in full and one witness recalled and examined. As the court time is nearing case is posted to 25th April 1940. A1 to A5 and P. W. 1 may be 20 remanded to custody till to-morrow.

(Ind.) R. P. M.,
S. F. C. M.

25th April 1940. Case called. Accused and P. W. 1 in custody present. Thirteen witnesses were examined, 12 in full and one examined in chief and one 25 recalled and further examined. As court time is over case is posted to 26th April 1940. Accused and P. W. 1 may be remanded to custody. Counsels for A1 to A5 and the Public Prosecutor and Additional Public Prosecutor present.

(Ind.) R. P. M.,
S. F. C. M. 30

Later examined the van, M. O. 4, and car, M. O. 3, in the presence of counsels for A1 to A5. A1 to A5 and P. W. 1. Public Prosecutor and Additional Public Prosecutor also present.

(Ind.) R. P. M.,
S. F. C. M. 35

26th April 1940. Case called. Accused and P. W. 1 present in custody. Counsels for A1 to A5 and P. P. and Additional P. P. are also present. Seven witnesses examined in full and two recalled and further examined. As the court time is over case is posted to 27th April 1940. Accused and P. W. 1 may be remanded to custody. 40

(Ind.) R. P. M.,
S. F. C. M.

27th April 1940. Case called. Accused and their counsels present. Public Prosecutor and Additional Public Prosecutor are also present. P. W. 1 also is present. Six witnesses were examined in full and one recalled and examined. 45 Public Prosecutor files an application for the examination of the Imperial Serologist at Calcutta on Commission. The counsels for the accused have no interrogatories to file. The application may be sent to the District Magistrate for necessary action. The Government of India Bonds to the value of Rs. 30,000 of Lakshmamma, mother of A1, were also produced by P. P. being handed over to him 50 by Mr. Kodandarama Reddy, younger brother of A1. The same are kept in court custody as prayed for by the counsel for A5. The Public Prosecutor represents that two days time may be given for study of the proceedings so far done and getting copies of certain documents and for deciding further witnesses to be examined. Case is therefore posted to 1st May 1940 as prayed for by him. 55 Accused and P. W. 1 may be remanded to custody in respective Jails.

1st May 1940. Case called. Accused and P. W. 1 present in custody. To-day being declared a public holiday by Government on account of the District Board elections case is posted to 2nd May 1940. Public Prosecutor and Additional Public Prosecutor present. Accused and P. W. 1 remanded to custody till to-morrow. Counsels for accused are not present.

(Ind.) R. P. M.,
S. F. C. M.

2nd May 1940. Case called. Accused and P. W. 1 present in custody. Two witnesses were examined in full and two recalled and further examined. One examined in chief. As it is already 4-30 P.M. case is posted to to-morrow for the examination of Laksmamma who is a long witness. Case is posted to 3rd May 1940. Accused and P. W. 1 may be remanded to custody till to-morrow. Counsels for A1 to A5 and Public Prosecutor and Additional Public Prosecutor were present.

(Ind.) R. P. M.,
S. F. C. M.

3rd May 1940. Case called. Accused and their counsels present. Public Prosecutor and Additional Public Prosecutor are also present. P. W. 1 present in custody. Five witnesses examined in full. Case is posted to 4th May 1940 as the court time is over. Accused and P. W. 1 may be remanded to custody.

(Ind.) R. P. M.,
S. F. C. M.

4th May 1940. Case called. Accused and P. W. 1 present in custody. Counsels for A1 to A5 present. Public Prosecutor and Additional Public Prosecutor are also present. Six witnesses were examined in full. Three recalled and further examined and one examined in chief. Case is posted to 6th May 1940 as the court time is over. Accused and P. W. 1 may be remanded to custody.

(Ind.) R. P. M.,
S. F. C. M

6th May 1940. Case called. Accused and P. W. 1 produced in custody Five witnesses were examined in full. Three were recalled and further examined As the court time is over, case is posted to 7th May 1940. Accused and P. W. 1 to be remanded to custody till to-morrow. Counsels for A1 to A5 and Public Prosecutor and Additional Public Prosecutor present.

(Ind.) R. P. M.,
S. F. C. M

7th May 1940. Case called. Accused and P. W. 1 in custody present Counsels for A1 to A5 present and Public Prosecutor and Additional Public Prosecutor are also present. Three witnesses examined in full and two were recalled and further examined. As there are no more witnesses to be examined to-day and as senior counsel for A5 is indisposed case is posted to 8th May 1940 Accused and P. W. 1 are remanded to custody till to-morrow.

(Ind.) R. P. M.,
S. F. C. M

8th May 1940. Case called. Accused and P. W. 1 present in custody to-day One witness was examined in full and one was cross-examined and re-examined The Public Prosecutor says that he will not examine other witnesses cited in the lists at this stage. Only 99 witnesses are so far examined, out of 177 cited by the prosecution. The statements of the accused were recorded. The case is posted for argument to-morrow. Messrs. V. V. Srinivasa Iyengar from Madras and H. S. Raja Iyengar and C. V. Narasimha Iyengar are present for A5 and the other counsels for A1 to A4 are also present. Public Prosecutor and Additional Public Prosecutor are also present. Accused and P. W. 1 may be remanded to custody till to-morrow.

(Ind.) R. P. M.,
S. F. C. M

9th May 1940. Case called. Accused and P. W. 1 present in custody. Accused 5 was further examined. Argument of Public Prosecutor and Additional Public Prosecutor heard and also the arguments of Mr. Chennaraya Reddy for

counsel A4. Mr. Chennaraya Reddy states that Mr. Guruva Reddy counsel for A2 and A3, who is ill does not propose to adduce any argument in this court. Counsel for A1 also is not willing to adduce any argument in this court. Mr. V. V. Srinivasa Iyengar, senior counsel for A5, was partly heard. His arguments are to continue to-morrow as the court time is over. Accused and P. W. 1 may be remanded to custody till to-morrow.

(Ind.) R. P. M.,
S. F. C. M.

10th May 1940. Case called. Accused and P. W. 1 present in custody. Arguments by the counsel for A5 M. V. V. Srinivasa Iyengar continued for the whole day. Case is posted to-morrow. Accused and P. W. 1 may be remanded to custody. Public Prosecutor and Additional Public Prosecutor and counsels for A1 to A4 present.

(Ind.) R. P. M.,
S. F. C. M.

11th May 1940. Case called. Accused and P. W. 1 present in custody. Arguments by counsel Mr. V. V. Srinivasa Iyengar for A5 continued. As the court is to be shifted to the District Magistrate's Court Hall, case is posted to 13th May 1940. Counsels for A4 and A1 present, counsels for A2 and A3 is absent. Public Prosecutor and Additional Public Prosecutor present. Accused and P. W. 1 may be remanded to custody.

(Ind.) R. P. M.,
S. F. C. M.

13th May 1940. Case called. Accused and P. W. 1 present in custody. Mr. V. V. Srinivasa Iyengar continued his argument in respect of A5. Counsel for A1 and A4 present. Public Prosecutor and Additional Public Prosecutor also present. As the court time is over, case is posted to 14th May 1940. Accused and P. W. 1 to be remanded to custody.

(Ind.) R. P. M.,
S. F. C. M.

15th May 1940. Case called. Accused and P. W. 1 present in custody. Arguments of Mr. V. V. Srinivasa Iyengar, counsel for A5, concluded. Public Prosecutor heard partly. As the court time is over and as counsel for A5 pleads some inconvenience at attend to-morrow morning case is posted to to-morrow afternoon at 2-30 P.M. Public Prosecutor says that he does not press the charge of forgery against A1. Accused and P. W. 1 may be remanded to custody till to-morrow. Counsels for A1 and A4 were present and also Additional Public Prosecutor was present.

(Ind.) R. P. M.,
S. F. C. M.

16th May 1940. Case called. Accused and P. W. 1 present in custody. Argument by Public Prosecutor was completed. Heard Mr. V. V. Srinivasa Iyengar, counsel for A5, on certain points touched by the Public Prosecutor in the course of his argument. Case is posted to 20th May 1940 for further proceedings. Accused and P. W. 1 may be remanded to custody till 20th May 1940.

(Ind.) R. P. M.,
S. F. C. M.

20th May 1940. Case called. Accused and P. W. 1 present in custody. On hearing the arguments on both sides and perusing the records I find that there are sufficient grounds for charging the accused, prima facie case having been made out against them. The accused are charged as follows which were read and explained.

A1 to A5 under Sections 364 and 302, I.P.C. read with 34, I.P.C.

A1 under Sections 114 and 364, I.P.C. and 114 and 302, I.P.C.

A5 under Sections 109 and 364, I.P.C. and 109 and 302, I.P.C.

A5 under Sections 465, 467, 468, 471 and 474, I.P.C.

The statements of accused were recorded regarding the lists of defence witnesses to be filed. Case is posted to 25th May 1940 at 3 P.M. for pronouncing the order of committal to the Court of Sessions. Counsel for A5 (Mr. H. S. Raja Iyengar)

Public Prosecutor are present. Accused and P. W. 1 may be remanded to custody till 3 P.M. on 25th May 1940. Counsel for A1 filed a list of defence witnesses to be examined in the Court of Sessions.

(Ind.) R. P. M.,
5 *S. F. C. M.*

25th May 1940. Case called. Accused and P. W. 1 present in custody. Order under Section 213(1), Cr. P. C. committing the Accused 1 to 5 to the Court of Sessions was pronounced. The approver (P. W. 1) shall also be remanded to custody at Byramangala Jail until the end of the trial in the Court of Sessions. 10 Public Prosecutor and Additional Public Prosecutor and counsels for A1, A4 and A5 are present. Counsel for A5 (Mr. H. S. Raja Iyengar says he would file the list of defence witnesses on 27th May 1940 which is permitted.

(Ind.) R. P. M.
S. F. C. M

15 28th May 1940. In respect of the application filed by A5 through his counse Mr. H. S. Raja Iyengar on the 27th May 1940 praying for the grant of bail unde the provisions of Section 220, Cr. P. C. and on hearing Mr. H. S. Raja Iyengar fo the petitioner and Mr. P. Rajaratnam, Additional Public Prosecutor, for the prosecution to-day the following order is passed.—

20 The prosecution have made out clear prima facie cases for offences of murder abduction and forgery against A5 and he has been charged under Sections 364 and 302, I. P. C. read with Section 34, I. P. C. and also under Sections 109, 364 and 302 I. P. C. and also under Sections 465, 467, 468, 471 and 474, I. P. C. He has been committed to the Court of Sessions, Bangalore Division, to undergo trial in respect 25 of the said charges. In these circumstances it would be improper to enlarge him on bail. The application is, therefore, rejected.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate,
28-5-40.

30 In the list of defence witnesses and the list of records to be summoned filed yesterday, Mr. H. S. Raja Iyengar has made certain corrections to-day. The summons may be issued for the appearance of witnesses in the Sessions Court and the production of records on his furnishing a list of persons who are to produce them.

35 (Ind.) R. P. M.,
S. F. C. M.

Exhibit P219.

IN THE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE, BANGALORE.

40 CRIMINAL CASE No. 1/39-40.

Extract from the deposition of Mr. T. M. S.

Subramanyam, P. W. 47.
Father's name—T. Sundaram Pillay.
Age—55 years.
45 Caste—Hindu.
Occupation—Assistant Manager, Bank of Mysore, Ltd.,
Residence—Bangalore.

2nd May 1940. (Mr. C. V. Narasimha Iyengar, junior Counsel for A5, le the Court Hall as soon as P. W. 47 was sent for.
50

Exhibit P220.

S. K. Venkataranga Iyengar, B.A., B.L.

Chikpet,
Bangalore City.
18-4-35.

Produced by P. W. 1.
Exhibit XIV.
O. S. 11—37-38.
(Ind.) G. P.,
D. J.
24-6-39.

My Dear Mr. Gurumoorthy,

Yesterday Mr. Narayana Reddy requested me to (toru) into the matters raised by your mother-in-law for about 3 days owing to his having to be busy in connection with the "Rathothsavam". I tried to see your mother-in-law all yesterday but could not owing to heavy court work.

As I had to leave on a short pilgrimage by car to-day and will be absent till about the 26th instant, I shall thank you to kindly convey my excuses to your mother-in-law till then. Immediately on my return, I shall see her.

I trust that there will be no room for any ugly developments in the interim.

Thanking you,

Yours sincerely,

(Sd.) S. K. VENKATARANGA IYENGAR.

Exhibit P221.

Interrogatories—Jogender Nath Bhattacharji—examined on commission.

1.	You are the Imperial Serologist and Chemical Examiner to the Government of India?	I am the 2nd Assistant to the Imperial Serologist and a Chemical Examiner to the Government of India.
2.	Did you receive letters No. C. 49-63, dated 13th March 1940 and C. 52-69, dated 13th March 1940?	Yes, the second letter is dated 18th March 1940.
3.	If so from whom?	Chemical Examiner and Serologist, Government of Mysore.
4.	Which are the letters?	These are the letters Ex. C-1 and C-2.
5.	Were they received in tact? Whose seals did they bear?	Yes, three sample seals Ex. C. 1—1 and C. 2—1 are attached to the letters.
6.	Did you receive any parcels referred to in the letters?	Yes, but the letters were not sealed.
7.	Were the seals on the parcels intact. Whose seals were they?	Yes, the seals were of the Chemical Examiner to the Government of Mysore.
8.	What did the parcels contain?	Parcel with letter No. C. 49-63, dated 13th March 1940 contained of a wooden box enclosed within paper cover and it contained cutting from a dark green handkerchief and parcel with letter No. 652-69, dated 18th March 1940, consisted of a wooden box enclosed within paper cover and it contained cuttings from a water-proof coat.
9.	Were the parcels sent and received by registered post or otherwise?	They were received and sent by registered post.

10.	Did you test the contents of the parcels ?	Yes.
11.	Did you examine them or portions of them ?	I examined the cuttings received.
12.	What did your examination and test disclose ?	The cuttings of the handkerchief and water-proof coat were stained with human blood.
13.	Are the enclosures your certificates ?	Yes.
14.	Were they sent by you to the Mysore State Police ?	No. I sent them to the Chemical Examiner, Bangalore.

(Sd.) G. DORASWAMY IYER,
Government Pleader.

(Sd.) Not clear.
21-5-40.

Jogender Nath Bhattacharji, 2nd Assistant to Imperial Serologist and a Chemical Examiner to Government of India, 21st May 1940.

Exhibit P221(a).

FORM TO BE USED BY THE IMPERIAL SEROLOGIST WHEN REPORTING THE RESULTS OF ANALYSIS.

No. 238 S.

From

Calcutta, 12th April 1940.

The Imperial Serologist and Chemical Examiner to the Government of India.

To

The Chemical Examiner,
Bangalore.

Your letter No. C. 49-63, dated 13th March 1940, advising a parcel per p which was received in this office on 18th March 1940.

Mode in which parcel was found to be packed on receipt and description seal.

The parcel consisted of a wooden box enclosed within paper cover sealed w impressions of a seal as per sample forwarded with your letter.

It contained, according to you, cuttings from the dark green blood-stai hand kerchief received by you from the Superintendent of Police, Bangalore case No. 49 on your file. The duplicate copy of your letter No. C. 49-63, da 13th March 1940, is herewith returned duly signed.

Result of Analysis.

The hand kerchief noted overleaf is stained with human blood.

(Sd.) J. N. BHATTACHARJI, B.SC., M.B., D.T.M.,
Second Assistant to Imperial Serologis
and a Chemical Examiner
to the Government of India

Exhibit P221(b).

FORM TO BE USED BY THE IMPERIAL SEROLOGIST WHEN REPORTING THE RESULTS OF ANALYSIS.

No. 238 S.

Calcutta, 12th April 1940. 5

From

The Imperial Serologist and Chemical
Examiner to the Government of India.

To

The Chemical Examiner,
Bangalore. 10

Your letter No. C. 52-69, dated 18th March 1940, advising a parcel per post which was received in this office on 26th March 1940.

Mode in which parcel was found to be packed on receipt and description of seal. 15

The parcel consisted of a wooden box enclosed within paper cover sealed with impressions of a seal as per sample forwarded with your letter.

It contained, according to you, cuttings from a blood-stained water proof coat received by you from the Superintendent of Police, Bangalore City in case No. 52 on your file. The duplicate copy of your letter No. C. 52-69, dated 18th March 1940, is herewith returned duly signed. 20

The water proof coat noted overleaf is stained with human blood.

(Sd.) J. N. BHATTACHARJI, B.SC., M.B., D.T.M.,
Second Assistant to Imperial Serologist and a Chemical Examiner to the Government of India. 25

Exhibit No. P222.

Submitted to the District Superintendent of Police, Bangalore City.

I beg to send herewith the Utility Van No. Mys./A. 548 with Mr. K. S. Ramanna, Inspector of Police, Bangalore City, for favour of sending the same to the Chemical Examiner to the Government of Mysore, Bangalore, for examination of mammalian blood on the portions marked on it with a pencil and issue of certificate. The van was seized from Mr. Misri, the owner, on 8th March 1940 in C-1 Chamarajapet Police Station Cr. No. 122—39-40. The Chemical Examiner may also be addressed to return the van early after examination as the same is wanted for purposes of investigation of the case referred to above. 30 35

Description of the portion marked:—

1. Portion marked in pencil on the body of the van to the right side of trap door on the beam.

2. Two places marked in pencil on the seat where the driver sits while driving (three clots in one place and four in another.) 40

(Sd.) M. NARASIMHAIYA,
Inspector of Police,
"A" Division, Bangalore City,
12-3-40. 45

"Copy"
(Sd.) M. WYNNE,
Superintendent of Police,
Bangalore City.

Exhibit P223.

Submitted to the Superintendent of Police, Bangalore City.

I beg to send herewith a Waterproof coat which was seized on 15th March 1940, from the garden of K. M. Narayana Reddy at Ulsoor on the information furnished by accused Rama alias Ramadu in C-1 Chamarajapet Police Station under Sections 364 and 302 and 109, I. P. C. It is sealed in three places with a sealing bearing letters " HAK". Portions of the coat suspected to contain blood stains are marked in ink. The coat may kindly be sent to the Chemical Examiner for examination of mammalian blood and furnishing a certificate. The waterproof coat may kindly be sent back when done with the person, *viz.*, Daffedar 53 Gopaliah with whom it is sent.

In case mammalian blood is detected, the Chemical Examiner may be addressed to send the cut pieces of the coat to the Imperial Serologist for examination, of human blood.

(Sd) M. NARASIMHAIYA,
Inspector of Police,
"A" Division, Bangalore City,
16-3-40.

Description of the WaterProof Coat:—

A Khaki coloured waterproof coat having blood stain marks suspected in the inner portions marked in ink and on the right side lower part a size of about $1\frac{1}{2}''$ is burnt and marked round the hole. The coat has 6 buttons on each side. Two small buttons on each sleeve and one small button under right collar of the coat. It is sealed in three places with a seal bearing letters "HAK". Sample seals attached.

(Sd.) M. NARASIMHAIYA,
Inspector of Police,
'A" Division, Bangalore City,
10-3-40.

Exhibit P224.

There are two sample seals bearing letters " HAK"
Sample seal (in pencil). (Sd.) Not clear. 15-3-40.
Narasappa (in kanarese). (Sd.) P. Siddappa. 15-3-40.

(Sd.) M. NARASIMHAIYA,
Inspector of Police,
A" Division, Bangalore City.
15-3-1940.

Exhibit P225.

MYSORE POLICE DEPARTMENT.

From

M. Wynne, Esq.,
Superintendent of Police,
Bangalore City.

To

The Chemical Examiner to the
Government of Mysore,
Bangalore.

No. C. B. 734, dated 12th March 1940. C. No. 48, 12th March 1940.

Sir,

I have the honour to send herewith the Utility van No. Mys./A. 548 sent to me by the Inspector of Police, " A " Division, Bangalore City, with Mr. K. S. Ramanna, Inspector of Police, " C " Division, Bangalore City, for favour of examining the stains found on the portions marked on the van for mammalian blood and issue of certificate. The van was seized on 8th March 1940 from the owner Mr. Misri, in C-1, Chamarajpet Police Station Cr. No. 122—39-40. It may be returned early after done with.

Portions marked with pencil.—(1) Portion marked in pencil on the body of the van to right side of the trap-door on the beam. (2) Two places marked in pencil on the seat where the driver sits while driving three clots in one place and four in another).

The report of the Inspector of Police, "A" Division, Bangalore City, dated 12th March 1940, is herewith enclosed. 5

I have the honour to be,
Sir,
Your most obedient servant,

(Sd.) M. WYNNE,
Superintendent of Police,
Bangalore City. 10

N.B.—In case of mammalian blood detected, the cut portions may be preserved for being sent to the Imperial Serologist, Calcutta.

(Sd.) M. WYNNE. 15

Exhibit P226.

Seal of the Office of the Chemical Examiner to the Government of Mysore, Bangalore, No. F. 58—16th March 1940.

From

M. Wynne, Esq., Superintendent of Police,
Bangalore City. 20

To

The Chemical Examiner to the
Government of Mysore,
Bangalore.

C. B. No. 710 of 39-40, dated 16th March 1940.

Sir, 25

Ref:—Crime No. 122 of 39-40 of C. I. Chamarajpet Police Station,
Bangalore City.

I have the honour to send herewith the marginally noted article with Police Daffedar No. 53, Gopala Nair, for examination of mammalian blood and furnish a certificate. The article, *viz.*, a water-proof coat was seized on 15th March 1940 in 30 the apple garden of K. M. Narayana Reddy, at Ulsoor, on the information furnished by Rama *alias* Ramadu, accused in Cr. No. 122—39-40 of C. I. Chamarajpet Police Station. Several portions marked in ink on the coat are suspected to contain stains of blood. The water-proof coat may be returned after done with. If mammalian blood is detected, cut portions of the coat may be sent to the Imperial 35 Serologist, Calcutta, to find out whether the stains are of human blood.

Two samples of the seal bearing letters "HAK" used for sealing on the coat at the time of seizure are herewith enclosed.

I have the honour to be,
Sir, 40
Your most obedient servant,

(Sd.) M. WYNNE,
Superintendent of Police,
Bangalore City. 45

Margin.—(1) A khaki coloured waterproof coat having blood-stain marks suspected in the inner portions marked in ink and on the right side lower part a size of about $1\frac{1}{2}''$ is burnt and marked round the hole. The coat has six buttons on each side. Two small buttons on each sleeve and one small button under right collar of the coat. It is sealed in three places with a seal bearing letters "HAK" Samples seals attached.

Enclosures:—Water-proof coat.

Exhibit P227.

Office of the Chemical Examiner to the
Government of Mysore.
Bangalore, dated 13th March 1940.

5 Ch. Ex. No. C. 49/61.

(Vax seal) of the Chemical Examiner, Mysore Government, Bangalore.

From,
The Chemical Examiner to the
Government of Mysore, Bangalore.

10 To
The Superintendent of Police,
Bangalore City

Reference :—Letter No. C. B. 732, dated 12th March 1940.

I have the honour to acknowledge the receipt of the articles referred to in the
15 above and to state that the seals corresponded with the sample sent and the descriptions tallied.

2. The undermentioned articles were duly examined with the following result.

20	1. A cloth packet contained a dark green handkerchief.	Mammalian blood was detected.
	2. Another cloth packet contained cotton waste	Mammalian blood *not* detected.

(Sd.) Not clear.
Chemical Examiner to the
25 *Government of Mysore.*

N.B.—If any of the examined articles are required, they may be sent for within 10 days' time from the date of reporting the result of examination; otherwise the articles will be destroyed.

C.B. 732—39-40.

30 Fowarded to Mr. Narasimhiah, 'A' Division Inspector for needful.

(Sd.) M. WYNNE,
Superintendent of Police.
13-3-40.

Exhibit P228.

35 Office of the Chemical Examiner to the
Government of Mysore.
Bangalore, dated, 13th March 1940.

Ch. Ex. No. C 48—60.

Seal of the Chemical Examinor, Mysore Government, Bangalore.

40 From
The Chemical Examiner to the
Government of Mysore, Bangalore.

To
The Superintendent of Police,
45 Bangalore City.

Reference :—Letter No. C. B. 734, dated 12th March 1940.

I have the honour to acknowledge the receipt of the articles referred to in the above and to state that the seals corresponded with the sample sent and the descriptions tallied.

2. The undermentioned articles were duly examined with the following result :—

The Utility van No. Mys./A. 548.

1. Suspicious stains on the body of the van to the right side of the trap door. 2. Suspicious stains on the seat where the driver sits.	Mammalian blood *not* detected.	5

(Sd.) Not clear.
Chemical Examiner to the Government of Mysore. 10

C. B. 734/39-40.

Forwarded to Mr. Narasimhaiya "A" Division Inspector, for needful.

(Sd.) M. WYNNE,
Superintendent of Police.
12-3-1940. 15

Exhibit P229.

OFFICE OF THE CHEMICAL EXAMINER TO THE GOVERNMENT OF MYSORE.

Bangalore. dated 16*th March* 1940.

Ch. Ex. No. 67—52.
Enclose one file of papers. 20

(Vax seal) of the Chemical Examiner, Mysore Government, Bangalore.

From

The Chemical Examiner to the
Government of Mysore, Bangalore.

To 25

The Superintendent of Police,
Bangalore City

Ref :— Letter No. C. B. 710, dated 16th March 1940.

I have the honour to acknowledge the receipt of the articles referred to in the above and to state that the seals corresponded with the sample sent and the descriptions tallied. 30

2. The undermentioned article duly examined with the following result :—

(1) A Khaki coloured water proof coat.....Detected mammalian blood.

(Sd.) Not clear,
Chemical Examiner to the
Government of Mysore. 35

C. B. 710—39-40 *Encls.* *Memo.*

Forwarded to Mr. M. Narasimhaiya, Inspector of Police, "A" Division for information and necessary action.

(Sd.) M. Wynne,
District Superintendent of Police, 40
Bangalore City,
16-3-40.

Exhibit P230.

Court fee stamp 6597,
6-7-1939.
0-12-0 (Mysore Govt.)

5 IN THE COURT OF THE DISTRICT JUDGE, C. & M. STATION. BANGALORE.

Op. No. 47 of 1939.
O. S. 38 OF 1939.

In the matter of the Probate of the Will of Mr. K. Muninanjappa, deceased.

10 *Petitioner.*—

K. M. Narayana Reddy, son of K. Muninanjappa, aged about 26 years, Landlord, residing at No. 22, Cambridge Road, Ulsoor, C. & M. Station, Bangalore.

Under Section 276 of the Indian Succession Act, the petitioner abovenamed most humbly and respectfully begs to submit as follows :—

15 1. That the address of the petitioner for purposes of service of summonses, notices and other processes of the court is as given above or care of his counsel Mr. H. S. Narasiah, B.A., B.L., Cambridge Road, C. & M. Station, Bangalore.

2. Deceased K. Muninanjappa, Contractor and Landlord of Ulsoor, died on 8th January 1935 having made and duly executed his last Will and testament 20 bearing dated 5th January 1935 whereof he appointed jointly his eldest son the petitioner and the testator's wife Lakshmamma, executor and executrix.

3. That the said Will has been produced by Mr. S. K. Venkataranga Iyengar, B.A., LL.B., Advocate, Chickpet, Bangalore City who had its custody, in Miscellaneous No. 67 of 1935-36 on the file of the District Judge, Bangalore City and 25 has been marked therein as Exhibit "A". It is also marked as Exhibit "A" in O. S. No. 11 of 36-37 on the file of the same court.

4. That a certified copy of the said Will from the said Honourable Court has been obtained by the petitioner and produced herewith as the proceedings therein, O. S. No. 11 of 36-37 and Mis. No. 67 of 35-36 have not finally terminated 30 and the return of the original is not possible. If necessary, steps will be taken to have the original summoned by this Honourable Court and made available for purposes of these proceedings.

5. That the testator had a fixed place of abode in Ulsoor, died in Ulsoor and left a major portion of his assets and liabilities in the Civil and Military Station, all within the jurisdiction of this Honourable Court.

35 6. The amount of the assets which are likely to come to the hands of the petitioner is Rs. 2,50,764 an account which is given in the schedule "A" annexed to the affidavit filed with this petition.

7. The amount of the liability and other lawful deductions of the said testator is Rs. 7,051-5-6 on account of which is given in the schedule "B" annexed to the 40 same affidavit.

8. That though the petitioner's mother Lakshmamma is an executrix and has attested the Will she has subsequently resiled from the position as such and has questioned the genuineness of the Will in various proceedings which are pending.

9. That no application for probate has been filed in respect of the said Will 45 in this Honourable Court or any other court having authority in C & M Station, Bangalore. An application for probate in respect of properties in Bangalore City and Taluk is filled in the Court of the District Judge, Bangalore.

10. That the petitioner undertakes to duly administer the property and credits of the said K. Muninanjappa, deceased and to make full and true inventory 50 thereof and exhibit the same in court within six months from the date of the grant of the probate to him and also to render to this court, a true account of the said property and credits within one year from the said date.

Wherefore the petitioner prays that the probate may be granted of the certified copy of the said Will produced herewith.

55 Bangalore,
6th July 1939.

(Sd.) K. M. Narayana Reddy,
Petitioner.

(Sd.) H. S. NARASIAH,
Counsel for the Petitioner.

I, K. M. Narayana Reddy, the petitioner abovenamed, do hereby declare that what is stated above is true to the best of my knowledge, and belief.

Bangalore,
6th July 1939.

(Sd.) K. M. Narayana Reddy,
Petitioner.

I, M. Venka[illegible]s to the last Will and Testament of the Testator mentioned in the above petition declare that I was present and saw the said Testator affix his mark thereto.

(Sd.) M. Venkataswamy,
Witness.

Bangalore.
6th July 1939.

Exhibit P18 in C. C. No. 1—1939-40.

(Sd.) R. P. M., S. F. C. M.
19-4-40.
Compared by C. A. Ghani,
Head Clerk. S. F. C. M. Ct.

True copy of Exhibit P18 in C. C. No. 1—39-40 marked in the case file No. O. P. 47 of 1939 O. S. 38 of 1939 on the file of the District Judge's Court, Civil and Military Station, Bangalore.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate,
Bangalore.

Exhibit P231.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

O. P. 47 OF 1939.

Petitioner.		*Counter Petitioner.*
K. M. Narayana Reddy.	*Vs.*	Lakshmamma.

Counter-petitioner Lakshamma's objection statement to the grant of probate prayed for by the petitioner.

The counter-petitioner begs to state as follows :—

1. The Will in question is not a genuine document. It has been got up by the petitioner for fraudulent purposes with the active help of Advocate Mr. S. K. Venkataranga Iyengar, referred to in para 3 of the petition.

2. There has been hotly-contested court proceedings going on for the last over four years *re* the execution, validity and genuineness of the alleged Will in the City Courts in divers forms. That the petitioner's conduct is anything but *bona-fide* is amply demonstrated by reference to the several cases in the City Courts.

3. In Mis. 257 of 1938-39.
O. S. No. 10 of 1939-40. On the file of the District Judge's Court, Bangalore City, the present petitioner has applied for probate of the alleged Will in question; the present counter-petitioner has filed her objection statement in the case. The counter-petitioner begs leave of this Hon'ble Court to file a true copy of her objection statement in the said O. S. No. 10 of 1939-40 along with this petition and prays that the same may be read as part and parcel of the present objection statement.

4. Both in law and on facts the petition in question is liable to be dismissed with costs. The application for probate has not been filed for *bona fide* purposes. The Petitioner has to establish in accordance with strict law the execution, genuineness and validity of the Will sought to be propounded by him. The counter-petitioner's attestation of the alleged Will if at all true, must be the outcome of the petitioner's exploitation of this counter-petitioner's illiteracy and helpless position in her bereavement.

Wherefore the counter-petitioner prays that the petition be dismissed with costs.

Left thumb mark of Lakshmamma.
Counter-petitioner.

5 Bangalore Cantt.
Dated, 20th November 1939.

(Sd.) M. Krishnamurthy, Advocate for counter-petitioner.

Verification.

I, the counter-petitioner abovenamed do hereby declare that what is stated
10 above is true to the best of my knowledge.

Left thumb mark of Lakshmamma.
Counter-petitioner.

Bangalore Cantt.
Dated, 20th November 1939.

15 Exhibit P21 in C. C. 1 of 1939-40.

(Sd.) R. P. M., S. F. C. M
19-4-

True copy of Exhibit P21 in C. C. No. 1 of 1939-40 marked in the case fi
No. O. P. 47 of 1939 O. S. 38 of 1939 on the file of the District Judge's Court, Ci
20 and Military Station, Bangalore.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate.
Bangalo

Exhibit P232.

25 *English Translation of the Certified Copy of the Will.*

Will or testament got written on fifth January nineteen hundred and thirty-f while with good sense and consciousness by me, K. Muninanjappa, son of Kann Venkatappa, aged now about 50 years, contractor and landlord by profession, res ing at Jogupalyam, Ulsoor, C. & M. Station, Bangalore, reciteth as follows:—
30 This will had to be got written because my present bodily condition is not go my ailment has increased since the past two months and human life is not pern nent and because to determine the proper way in which all my family affairs are be carried on after my death.

I am the only son of my father Venkatappa. I have no utrine brothers or sist
35 Excepting a wet land and a house ancestral to me, with the help of no other p perties, out with my own wisdom, I have by hard exertions, in building and otl contracts, acquired property worth about two lakhs all of which are in my o possession and enjoyment.

I have six sons, the first aged about 22 years, K. M. Narayana Reddy, the sec
40 now aged about 13 years Kodandarama Reddy, the third now aged about 10 ye minor Krishna Reddy, fourth now aged about 9 years minor Purushotham Red fifth now aged about 5 years minor Janardhana Reddy, and sixth now a about three years minor Madhava Reddy and three daughters, f Saradamma aged about 16 years, second Meenakshamma now aged about
45 years minor, and third Komalamma now aged about 2 years minor; altoget nine children. Of these my first son Narayana Reddy has married two wives has children. And I have given my first daughter Sharadamma in marriage Gurumurthappa who is under my protection. They are all in my family suppor by me. Of the immoveable properties mentioned in the schedule hereunder,
50 first item should belong to my first son Narayana Reddy, second item to sec son Kodandarama Reddy, third item to the third son Krishna Reddy, the fou item to the fourth son Purushotham Reddy, the fifth item to the fifth son Janardl Reddy, the sixth item to the sixth son Madhava Reddy and the seventh item my first daughter Sharadamma. Apart from these, the fixed deposits kept by
55 in Mysore Bank in the names of my second son Kodandarama Reddy, third Krishna Reddy, fourth son Purushotham Reddy, fifth son Janardhana Reddy, si

son Madhava Reddy, and my daughters, first Sharadamma, second Meenakshamma, and third Komalamma, should belong to them, respectively and to be disposed as I have directed hereunder. Further, of the fixed deposit amount kept by me in Mysore Bank in the name of my wife Lakshmamma, the whole interest accruing on that sum may be utilised as she desires by her during her life time and she is also at liberty to dispose off rupees two thousand out of the sum, according to her own desires. The rest of the amount should belong in equal shares to Meenakshamma and Komalamma my daughters, after the life time of Lakshmamma. Out of monies deposited in the name of my wife Lakshmamma, she can only dispose off according to her own desires, the sum of rupees two thousand and the interest accruing due on the whole amount, and for the rest of the amount she has no right (A thumb impression is here) L. T. mark of K. Muninanjappa. (A thumb mark is here) L. T. mark of Muninanjappa. If unfortunately Meenakshamma or Komalamma die in the life time of Lakshmamma, then their shares namely four thousand rupees each if either of them dies or the total eight thousand rupees if both die, should belong to my minor sons Kodandarama Reddy, Krishna Reddy, Purushothama Reddy, Janardhana Reddy and Madhava Reddy, to all the five or such of them as one alive, in equal shares. Lakshmamma must be subject to this condition. Therefore, to said Lakshmamma I have given right to enjoy interest on the balance of amount given to her excepting rupees two thousand out of it. The balance of rupees eight thousand as abovesaid should, after Lakshmamma's life time belong absolutely to my sons or daughters then alive.

As my eldest son Narayana Reddy has married twice and has already to bear the burden of the family, I have decided to give him two shares and have given him not only the first item property the biggest of all the properties mentioned in the schedule, but have also declared the undermentioned amount and shares to belong to him and have transferred them to him. The details of amounts and shares to be given to him are as follows :—

(1) Amount mentioned in Savings Bank Pass Book No. 229 in Bangalore Bank, rupees nine thousand seven hundred and fifty, and its interest.

(2) Amount kept in the name of my son Kodandarama Reddy, in Bangalore Bank Savings Book, Bank Account Pass Book No. 251, rupees five thousand and its interest.

(3) Amount in the current account in my name in Bangalore Bank, rupees two thousand six hundred and twenty-five, six annas and seven pies and also the interest thereon.

(4) Shares of Bangalore Bank standing in my name, in the names of myself and my eldest son Narayana Reddy and in the names of myself and my wife Lakshmamma, all totalling to about not less than one hundred and sixty-nine and not more than two hundred.

I have, belonging to me, properties moveable and immoveable, besides the amounts shares and immoveable properties mentioned above.

Of the moveable properties I have in my banking transactions as mentioned in my account books, dues from various persons due on bonds, pronotes and other accounts.

Besides these I have Government of India 3½ per cent Loan Bonds Number—M00-7285 of rupees five thousand, Government of India 6½ per cent Treasury Bonds numbering H00-540 to 542 three of the value of rupees five thousand each, same 6½ per cent Treasury Bond Number G00-3789 of the value of rupees one thousand, Bonds Nos. F00-1617 to F00-1624, eight of the value of rupees five hundred each and bonds now lost numbers ... . two of rupees one thousand each, all totalling to bonds of the value of rupees thirty-two thousand.

Of immoveable properties I have eight item bungalow with compound in Cambridge Road at present occupied by me, ninth item house in Curve Road, Tasker Town, and other houses, vacant sites, agricultural dry wet and garden lands, the details of which are not readily available just now.

The above moveable and immoveable properties have been distributed by me as follows:—

(1) All the whole realisations from the Banking transactions and the principal amounts collected should belong only to my sons, no others having any right whatsoever in them. But out of the collections, seven houses should be got

built in the compound of eight item. Out of the houses so built, my daughter Sharadamma should be given one. The balance of moneys left after the construction of the said houses, should be divided into seven shares, to eldest son Narayana Reddy, and a share each to the remaining five sons and the amount falling to each of them should belong to them (A thumb mark is here). Left thumb mark of K. Muninanjappa.

(2) Out of the abovementioned Government Loan Bonds leaving the two bonds last, the rest thirty thousand rupees have been reserved for charity as follows:—Out of this sum of thirty thousand rupees, I have given absolute power to the following trustees to carry out the undermentioned charities, all of them or such of them as possible, as the majority of the trustees decided (A thumb mark is here). Left thumb mark of K. Muninanjappa.

DETAILS OF CHARITIES.

(1) To establish a charity house in the compound of the bungalow No. 22, Cambridge Road, and arrange for conduct of Harikatha and Kalakshepa on good and righteous topics every Saturday in the said house, to arrange for feeding the poor every year on the day of Sriramanavami and on the day of car festival of Sri Someswaraswami and to feed every day a number of sadhus not exceeding five.

(2) To create a shelter and feeding house to poor students of Hindu Community.

I hereby direct to do so above.

Trustees—(1) K. M. Narayana Reddy.
(2) B. Venkataswamappa.
(3) S. K. Venkataranga Iyengar.

The two thousand rupees remaining in loan bonds as abovestated should be used for the expenses of my funeral and obsequies.

Out of the immoveable properties left above, the rents that will be fetched by the ninth item should be utilised to pay premiums due on the Insurance I have effected in Oriental Life Insurance Company, in the name of my first son Narayana Reddy. (A thumb mark is here.) Left thumb mark of K. Muninanjappa.

When the said Life Insurance amount matures, that amount and also the ninth item house should be shared equally by all my sons.

Of the remaining properties except the vacant sites situate in Civil and Military Station, Bangalore, all the rest of moveable and immoveable properties must be divided into seven shares and be enjoyed by my six sons and daughter Sharadamma, one share each.

In the same manner as I have been protecting the joint family, I desire that after my lifetime, my wife Lakshmamma and eldest son Narayana Reddy both dearly loved by me, should bear the responsibility of doing so in my place. Therefore I have herewith appointed them joint guardians of all my minor children. My eldest son Narayana Reddy should do all that is necessary to earn the appreciation of his mother Lakshmamma and carry on the management of the family under her advice. Expenses must be economised in a manner so as neither to diminish the minors' estate nor to stint their progress and not more than rupees two thousand should be utilised for the marriage of minor daughters and not more than rupees one thousand for marriage of minor sons.

My wife abovesaid and my eldest son are fully authorised by me to carry out the minor daughters' expenses, that is, their marriage expenses, from out of the amounts given to their shares. But the expenses of minor sons should be made only from the collections of joint funds and it must be seen from that the amounts of their shares are not reduced.

The abovesaid guardians are authorised by me to use the amounts now in fixed deposit and the amounts realized by the banking transactions in a manner to get better profits in the interests of the minors. The household expenses, namely, the whole expenses of the family should be met only from the income out of the immoveable properties and the guardians should not use for this purpose either the deposits or the realisations from banking transactions.

When the minors attain majority, their respective shares must be assigned to them by the abovesaid guardians. But for Sharadamma's share she has only the

right to enjoy it for her lifetime and the remaining whole right does not belong to her. I have given to my daughter Sharadamma even as to my sons more or less an equal share. More than the other children's share I have given in her name five thousand rupees more. To Gurumurthy, her husband, and my brother-in-law's son, I direct that five thousand rupees out of her share, should be given with absolute right. The abovesaid guardians should draw from the Bank from the deposit amount in her share, five thousand rupees and pay him. I desire that the said Gurumurthy will continue to remain one attached to the family as he is now and do the necessary acts for the family's benefit and progress. Other properties given to Sharadamma should belong to her children. If she dies otherwise it shall belong to my descendants (A thumb mark is here). Left thumb mark of K. Muninanjappa.

All moveable and immoveable properties that are left unmentioned in the abovesaid Will or testament should wholly belong to my sons. To this effect have I with my own Will, in good senses and consciousness, got written this Will and handed over to him for safe custody. Whatever I may have written before stands cancelled by this.

SCHEDULE.

(1) Municipal Door No. 9, situate in Haudin Road, Ulsoor, Civil and Military Station.

(2) Bungalow bearing Municipal Door No. 18 in Berlie Street, McIver Town, Civil and Military Station.

(3) Bungalow No. 20, in the same Berlie Street.

(4) Bungalow Municipal Door No. 22, in the same Berlie Street.

(5) Bungalow No. 13, situate in Park Road, Tasker Town, Civil and Military Station.

(6) Bungalow No. 14, situate in Park Road, Tasker Town, Civil and Military Station.

(7) Bungalow, Municipal No. 24, in Longford Town, Civil and Military Station.

(8) Bungalow No. 22, Cambridge Road, Civil and Military Station.

(9) Bungalow No. 12, Curve Road in Tasker Town, Civil and Military Station.

(10) Other moveable and immoveable properties.

Signed in our presence, after admitting what is stated above having said that he himself in his good senses had got written this. (Thumb mark here). L. T. mark of K. Muninanjappa.

Witnesses.—(Sd.) M. Venkataswami.
(Sd.) Balakrishna Mudaliar.
(Sd.) Nanjundappa, Arugondahalli. (Sd.) Native Pandit Narasimhiah

Witness.—(Sd.) M. Gurumurthy.
(Sd.) K. M. Narayana Reddy

(Thumb mark here) L. T. mark of witness Lakshmamma.

V. Pichayya. Witness. Writer (Sd.) K. V. Ramachandra Rao, Visveswarapuram, Bangalore City.

In the second page of the Will below the 24th line there is an interlineation and in 4th page in 33rd and 34th lines there is striking off and on the 5th page 13th line some letters are struck off and on the 7th page below the 8th line there is an interlineation and on the same page below the 25th line there is an interlineation. (A thumb mark here). L. T. mark of K. Muninanjappa, written to by writer K. V. Ramachandra Rao.

I, M. N. Narayana Rao, aged 34 years, Legal Practitioner, residing at 124, Visveswarapuram, Bangalore City, do declare that I read and perfectly understood

BANGALORE,
5 *24th July 1939.*

(Sd.) M. N. NARAYANA RAO.

Exhibit P20 in C. C. No. 1 of 1939-40.
(Sd.) R. P. M.,
S. F. C. M.,
19-4-40.

10 Compared by (Sd.) C. A. Ghani, Head Clerk.

True Copy of Exhibit P20 in C. C. No. 1 of 1939-40 marked in the case file No. O. P. 47 of 1939—O. S. No. 38 of 1939 on the file of the District Judge's Court, Civil and Military Station, Bangalore.

(Sd.) R. P. MALLAPPA,
15 *Special First Class Magistrate,*
Bangalore.

Exhibit P233.

IN THE COURT OF THE DISTRICT JUDGE AT BANGALORE.

MIS. CASE No. 157 OF 1938-39.

20 *Petitioner*: K. M. Narayana Reddy. *Vs.* *Opponent*: Lakshmamma.

Opponent begs to file the following objections to the grant of Probate prayed for by the petitioner :—

25 1. The Opponent disputes the truth and validity of the execution of the Will propounded by the Petitioner.

2. The Will in question is not a genuine document. It has been fabricated by the Petitioner, Mr. S. K. Venkataranga Iyengar referred to in para 3 of the petition and one M. Venkataswami of Ulsoor, alleged to be one of the attestors of 30 the Will in question.

3. By propounding the alleged Will, the said three persons have much to gain materially. The said Mr. S. K. Venkataranga Iyengar and M. Venkataswami were debtors of Muninanjappa at the time of his death, having borrowed moneys from him during his lifetime under On Demand Pronotes. Petitioner has been 35 pleading ignorance of the indebtedness of Mr. S. K. Venkataranga Iyengar and discharge from indebtedness of the said Venkataswami. Government of India Bonds of the total value of thirty thousand rupees standing in the name of late Muninanjappa are found assigned over in favour of the said three persons. Account Books, money bonds and documents of title relating to the estate concerned have 40 all been in the custody of the petitioner and the petitioner's attitude in the matter of account books, etc., is equivocal. The entire family properties have been in exclusive possession of the petitioner and the petitioner has been claiming to be in possession of the properties either as manager of the joint family properties or as one of the executors under the Will in dispute, according as it suits his 45 selfish purposes.

4. The contents of the petition are very meagre in the light of the keen controversy going on over the Will in dispute both in and out of Courts. The petitioner has withheld information from Court, regarding all the claimants to the estates of Muninanjappa for purposes of citation, etc. The petition is wanting in 50 particulars especially *re*: Item No. VI of Annexure 'A' and item No. 1 of Annexure 'B', accompanying the petition.

5. Muninanjappa died leaving him surviving his widow, the opponent, six sons and three daughters. At the time of his death, only one of his children, the present petitioner was a major aged about 21 then and the rest were all minors.

Two of the children, Sharadamma and Kodandarama Reddy have since become majors. The Petitioner has not taken out notices to any of sons and daughters of late Muninanjappa. Special notices ought to have been taken, at all events, to the minor children. The opponent as mother and natural guardian of her minor children also opposes on their behalf the grant of the application for probate, for the reasons stated hereunder.

6. The Estate concerned in the Will is of the estimated value of over four lakhs of rupees. Substantial interests of six minors are involved in the controversy. The petitioner ought to have mentioned in the petition the chief events in the career of the Will in dispute over its alleged execution *i.e.*, 5th January 1935 till the date of the petition for probate *i.e.*, 30th June 1939. Especially as the petitioner requires court orders for the production of the alleged Will for purpose of the present proceedings.

7. The alleged Will is dated 5th January 1935. Obviously it is an unregistered document. Hardly two or three months after the death of Muninanjappa disputes arose between the parties over the family properties. On the petitioner alluding to an alleged Will of the deceased, the Opponent challenged the petitioner for the production of the same. A demand was made for a copy of the alleged Will on the propounders, the petitioner and the said Mr. S. K. Venkataranga Iyengar through lawyer's notice in July 1935. No copy was ever sent to opponents in compliance with her demand notice. Mis. 67—35-36 referred to in para 3 of the petition was initiated by the said propounders of the Will on 16th November 1933. For reasons best known to themselves, the original Will was not filed along with the main petition in the said case nor even a private copy filed with the petition though the petition stated in express terms that a true copy of the Will is however seen introduced into the records of Mis. 67—35-36, contrary to usual court procedure in the said matter under circumstances requiring close judicial scrutiny in the interests of justice. The alleged original Will itself was also put into court at the instance of the opponent on 4th March 1937, by the said Mr. S. K. Venkataranga Iyengar, when he could no longer withhold its production from court. The petitioner insisted upon his being allowed to prove the Will in question in Mis. 67—35-36. He took out no summonses for witnesses and after a series of adjournments and protracted proceedings examined only one witness on 6th September 1937. The Will question was not subsequently gone into in the case, as per court orders. Even as Mis. 67 of 35-36 was pending, the petitioner filed O. S. No. 11 of 37-38 on 1st October 1937, and issue was framed therein in express terms *re* the Will in the dispute. Two witnesses and plaintiff were examined in the suit and when Mr. S. K. Venkataranga Iyengar had to be examined as one of the witnesses in the case, the present petition for probate was filed and stay of further proceedings in O. S. 11 of 37-38 was obtained over 4½ years after the date of the alleged Will the present petition for probate has been filed. In the face of the stern facts set out above, the opponent as the mother of her minor children characterises the Will in dispute as a spurious document fabricated by the said interested persons. The opponent my be allowed to submit that with reference to the conduct of the petitioner and his Advocate Mr. S. K. Venkataranga Iyengar in the matter of the filing of Mis. 67—35-36, on 16th November 1937, there have been complaints filed by the opponent in Mis. 188—38-39, and Mis. 191—38-39, on the file of this Hon'ble Court and they are pending orders. The petition filed for probate is obviously not for any *bona-fide* purpose.

8. Late Muninanjappa did not make any Will much less did he duly execute any Will either on 5th January 1935, or on any other date prior to his death as alleged by the petitioner. There was no necessity for Muninanjappa to have executed any Will at all. He was more than sure that as the father and manager of his joint family with ancestral properties, he had no testamentary capacity to dispose of his properties by means of a Will.

9. The late Muninanjappa was seriously ill and bed ridden for over three months prior to his death. Throughout his illness he had a wandering mind. For nearly two weeks prior to his death he lost his consciousness and his life was despaired of almost every minute. He was absolutely incapable of commanding any sound disposing mind, required for testamentary purposes.

10. Assuming that due execution of the Will will be satisfactorily proved by the petitioner, the opponent submits that the Will must have been the outcome of fraud

and undue influence obviously exercised on the deceased by the petitioner through his Advocate the said Mr. S. K. Venkataranga Iyengar with the active connivance of the said Mr. M. Venkatasami. The position of Mr. S. K. Venkataranga Iyengar towards Muninanjappa was admittedly of a fiduciary nature, as between a legal adviser and his client. The claim put forward on behalf of Mr. S. K. Venkataranga Iyengar has been that he was the "Family Lawyer." There was no greater confidant to Muninanjappa than the opponent. Neither the deceased nor the said 'Family Lawyer" intimated to the opponent anything about the Will either prior to or after its alleged execution. The deceased held a respectable position in life with friends and advisers in the officers of the Civil and Military Station Municipality especially of the Engineering Department. None of his friends and well-wishers was ever consulted by the deceased admittedly in the matter of the Will. As admitted by the petitioner in the witness box in O.S. 11 of 37-38 secret instructions were given by the deceased to his "Family Lawyer" in the matter of drafting a Will and the petitioner acted as intermediary between the deceased and the family lawyer for conveying materials for the Will in the course of the Will being written up. The deceased was a literate, his thumb impressions are said to have been affixed to the alleged Will instead of his signature in writing. The opponent was a constant attendant on the deceased, nursing him almost all the 24 hours of the day especially for 5 or 6 days prior to his death. The deceased did not affix his thumb marks during his illness to any papers to the knowledge of the opponent. The propounders of the Will must have obtained the thumb marks of a dying man if not of a dead man to the Will in dispute. Under the Will in dispute the petitioner besides being a literate executor gets substantially more than when he would get, in case of the intestacy. Under the circumstances, opponent submits that the deceased must have been a victim of fraudulent conspiracy. The petitioner took to ruinous ways of life even before he became a major. He is an undisciplined youngster with wayward tendencies, easily susceptible to evil influences. The attestor Mr. M. Venkataswami has been always in needy financial circumstances, being a chronic debtor. The petitioner has been asserting that this opponent's thumb impression is to be found on the Will. If at all it does find a place in the Will, her thumb mark must have found its way into the Will, when the petitioner and the said "Family Lawyer" took her thumb impressions after her husband's death to a number of papers representing that they were required for a Civil and Military Station Court case pending against Muninanjappa at the time of his death. In point of fact, opponent's illiteracy, her implicit confidence in her son, the petitioner and her helpless position during her bereavement have been exploited by the said three persons not only for the fabrication of the Will in dispute but also for trying to create evidence against the opponent in support of the Will. The Will is thus the outcome of a gross breach of faith on the parts of the propounders.

11. There have been strenuously desperate attempts made by the propounders to ward off judicial verdict on the nature of the Will in dispute and to avoid the evil consequences arising therefrom. The opponent is being coerced by interested persons not to oppose the grant of probate.

12. The petitioner is under no circumstances entitled to the probate for and the petition has to be dismissed with exemplary costs. Having regard to the petitioner's persistent attempts to protract court proceedings and to starve the opponent and her children to coercion, the opponent prays for a speedy decision in the case.

Bangalore City,
Dated, 14th August 1939.

L. T. Mark of
Lakshmamma,
20-11-39.

Opponent.

(Sd.) M. Krishnamurthy,
Advocate for Opponent,

Verification.

I, opponent abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

Bangalore City,
Dated, 14th August 1939.

Opponent.

(Sd.) M. K.
Advocate.

* True Copy *

Exhibit P21 (*a*),
in C. C. No. 1—39-40.

(Sd.) R. P. M.,
S. F. C. M.
19-4-40.

Compared by (Sd.) A. Ghani,
Head Clerk.

True copy of Ex. P21 in C. C. No. 1—39-40, marked in the case file No. O. P. 47 of 1939—O. S. 38 of 1939, on the file of the District Judge's Court, C. & M. Station, Bangalore.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate,
Bangalore.

Exhibit P234.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

O. S. No. 38 OF 1939.

Plaintiff. — *Defendants.*

K. M. Narayana Reddy. *Vs.* Lakshmamma and another.

H. G. 26th February 1940
Court Fee Stamp 33098, 20th February 1940
of the value of one rupee.

Process Memo.

The plaintiff abovenamed furnishes herewith stamp of the value of Re. 1-0-0 and cash of the value of Rs. 2-0-0 for the issue of summonses to Mr. S. K. Venkataranga Iyengar, B.A., LL.B., Advocate, Chickpet, Bangalore City, to produce or cause to be produced the original Will dated 5th January 1935, of late Mr. Muninanjappa entrusted to his custody.

Bangalore,
20-2-40.

(Sd.) H. S. NARASIAH,
Advocate for Plaintiff.

Exhibit D3
in C. C. No. 1—39-40.
(Sd.) R. P. M.,
S. F. C. M.
19-4-40.

Compared by
(Sd.) C. A. GHANI,
Head Clerk.

True copy of Ex. P. D3 in C. C. No. 1—39-40 marked in the case file No. O. P. 47 of 1939 O. S. 38 of 1939 on the file of the District Judge's Court, Civil and Military Station, Bangalore.

(Sd.)
Special First Class Magistrate,
Bangalore.

Exhibit P235.

Court fee stamps of Nos. 32047 and 32048 of value of Rs. 3, and annas 8, respectively, dated 8th February 1940.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

O. S. No. 38 OF 1939.

Plaintiff. K. M. Narayana Reddy. *Vs.* *Defendant.* Lakshmamma.

The plaintiff abovenamed tenders herewith court fee stamp of the value of Rs. 3-8-0 and cash Rs. 6-0-0 for the issue of witness summons to the undermentioned witnesses on his behalf.

Names	Address	Process	Batta	Purpose	Remarks
1 Mr. S. K. Venkataranga Iyengar, B.A., LL.B.	Advocate, Bangalore City.	1 0 0	2 0 0	To give evidence	Nazar please take this.
2 Ramachandra Rao ...	Anekal Thimmiah's Mandy, New Tharagupet, Bangalore City.	0 8 0	1 0 0		(Id.) Not legible. 8-2-40.
3 Pandit Narasimhiah ...	Anugondanahalli, Hoskote Taluk.	0 8 0	1 0 0		
4 M. Venkatasamappa ...	No. I. G. 6 Street, Ulsoor, Bangalore.	1 0 0	1 0 0		Issued. (Id.) Not legible. 9-2-40.
5 Hoskote Nanjundappa ...	G. Cross Street, Ulsoor, Bangalore.	0 8 0	1 0 0		
		3 8 0	6 0 0		

Bangalore 7-2-40.

(Sd.) H. S. NARASIAH,
Advocate for the Plaintiff.

Exhibit D2,
in C. C. No. 1—39-40.
(Sd.) R. P. M.,
S. F. C. M.
19-4-40.

Compared by
(Sd.)..... GHANI,
Head Clerk.

True copy of Ext. D2 in C. C. 1—39-40 marked in the case file No. O. P. 47-39—O. S. 38 of 1939 on the file of the District Judge's Court, Civil and Military Station, Bangalore.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate,
Bangalore.

Exhibit P236.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

ORIGINAL SUIT No. 38 OF 1939.

Plaintiff. K. M. Narayana Reddy. *Vs.* *Defendants.* Lakshmi Ammal and Others.

To

The Additional District Judge,
Bangalore City.

Whereas the abovementioned suit is pending in this Court in which K. M. Narayana Reddy is the plaintiff and Lakshmi Ammal and another are

defendants and in the said suit the plaintiff claims probate of the Will of the late Muninanjappa Reddi and whereas it has been represented to the said Court that it is necessary for the purpose of justice and for due determination of the matters in dispute between the parties, the following document is required namely the original Will said to have been executed by late Muninanjappa Reddi and said to have been produced in your Court in O. S. No. 11 of 1937-38 and it appearing that such a document is very essential for the purpose of decision in this case now I, P. Medappa, Esq., B.A., B.L., District Judge of this Court, have the honour to request and do hereby request that for the reasons aforesaid and for the assistance of this Court you, the Judge of the said Additional District Judge of Bangalore City, to cause the production of the said document through some responsible official of your Court at 11 A.M. before this Court on Monday the 26th February 1940.

A sum of Rs. 2 is hereby sent being the witness batta in the above case.

I have the honour to be,
Sir,
Your most obedient servant,

P. S. R.

(Sd.) P. MEDAPPA,
District Judge.

Compared by
(Sd.) .....GHANI,
Head Clerk.

"True Copy."
Exhibit P23
in C. C. 1—39-40.

(Sd.) R. P. M.,
S. F. C. M.
19-4-40.

True copy of Ext. P23 in C. C. 1—39-40, marked in the case file No. O. P. 47 of 1939—O. S. 38 of 1939 on the file of the District Judge's Court, Civil and Military Station, Bangalore.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate,
Bangalore.

Exhibit P237.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

Before P. Medappa, Esquire, B.A., B.L.,
trict Judge.

ORIGINAL PETITION No. 47 OF 1939.

In the matter of the last Will and Testament of the late K. Muninanjappa.

Petitioner:—K. M. Narayana Reddy by Mr. H. S. Narasiah.

Vs.

Respondent.—

Application for grant of probate under Section 276 of the Indian Succession Act, 1925, a certified copy of the Will.

Citation in R. O. notice on C. N. B. publication in Hindu and Daily Post for 24th August 1939 notice to Collector by that date and also to the executrix referred to in the petition.

(Id.) P. M.,
District Judge,
31-7-39.

Published in R. O. and notice issued to C. N. B. and Collector (Sd.) .....

Publications not filed and notices not sd. No reply from Collector.

Published in D. P. on 10th August and on Hindu on 15th August 1939. Notices not returned. Adjourned to 11th September 1939.

(Id.) P. M.,
24-8-39.

The executrix not sd. affixed on 24th August 1939. F. N. for 4th October 1939.

(Id.) P. M.,
11-9-39.

(Order sheet entries of 4th October 1939, not legible).

(Id.) P. M.,
4-10-39.

(Order sheet entries of 3rd November 1939, not legible).

(Id). P. M.,
3-11-39.

Objections filed. For reply to 27th November 1939.

(Id.) P. M.,
20-1-39.

Requisition is sent. No reply. Then (not legible) for hearing to 20th December 1939. Wants two weeks.

(Id.) P. M.,
27-11-39.

Parties not ready and pray for time. Adjourned to 13th February 1940 for hearing.

(Id.) P. M.,
20-12-39.

At risk of parties to cause the Will to be produced to Court through a Court official. Adjourned to 14th February 1940.

(Sd.) P. MEDAPPA,
13-2-40.

Both the parties request for an adjournment to have the Will produced in this Court. Mr. Narasiah submits that a letter of request to the Mysore Court may be sent. He is directed to apply at once. Posted to 26th February 1940.

(Sd.) P. MEDAPPA,
14-2-40.

Process paid later. Adjourned to 4th March 1940 as a last chance.

(Id.) P. M.,
26-2-40.

Letter of reply is not come. Summonses on Mr. S. K. V. Iyengar has not been served. Defendant's pleader Mr. Ahobalanath says that his senior has been kidnapped and prays for an adjournment. F. S. to S. K. V. to City and to Civil and Military Station. Remind the District Judge. Adjourned to 15th March 1940.

(Id.) P. M.,
4-3-40.

The Will has not come to the Court as yet. Petitioner and Mr. S. K. Venkataranga Iyengar are reported to be under duress in the custody of the Police. Fresh reminder to the District Judge. At risk of pleader for petitioner adjourned to 10th April 1940.

(Sd.) P. MEDAPPA,
15-3-40.

No reply to the letter of request of this Court has been received. Will is not come. Mr. S. K. V. sends a statement that he has not got the Will. Petitioner states that he wants an adjournment on the ground that his client is under duress. Adjourned to 14th June 1940.

(Id.) P. M., 5

Exhibit P22 in C. C. 1 of 39-40.

(Sd.) R. P. M.,
S. F. C. M.,
19-4-40.

"True copy" of Exhibit P22 in C. C. 1 of 39-40 marked in case file No. O. P. 47 of 39—O. S. 38 of 39 on the file of the District Judge's Court, Civil and Military Station. 10

(Sd.) R. P. Mallappa,
Special First Class Magistrate,
Bangalore City. 15

Exhibit P238.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

O. P. No. 47 OF 1939.

Regarding Probate of the Will of K. Muninanjappa (deceased). 20

Affidavit.

I, K. M. Narayana Reddy, son of K. Muninanjappa, aged about 26 years, residing at No. 22, Cambridge Road, Ulsoor, Civil and Military Station, Bangalore, do hereby solemnly affirm and say that I am the executor of K. Muninanjappa, deceased, and that I have truly set forth in Annexure "A" to this affidavit all the property and credits of which the abovenamed deceased died, possessed or was entitled to at the time of his death and which have come or are likely to come to my hands. 25

2. I further say that I have also truly set forth in Annexure "B" all the items I am by law allowed to deduct. 30

3. I further say that the assets exclusive only of such last mentioned item, but inclusive of all rents, interests, dividends and increased values since the date of death are under the value of Rs. 2,43,712-10-6.

Annexure "A".

(Valuation of Moveable and Immoveable Property of the deceased.) 35

I. Cash and household goods, etc.,—

			Rs.	a.	p.	Rs.	a.	p.
Cash in house	....	....	6,000	0	0			
Cash at Bangalore Bank	....	....	17,953	0	0			
Cash at Imperial Bank	....	....	750	0	0			
Jewellery	....	....	25,000	0	0			
Household goods and wearing apparel and silverware, etc.	....	....	1,000	0	0			
						50,703	0	0

40

II. Property in Government Security transferrable at Public Debt Office :—

	Price. Rs.	Interest. Rs.
1. 3 per cent Government of India Bonds, 1935—		
(a) Two bonds bearing Nos. M. 006736 and M. 006732 of Rs. 1,000 each	2,000	90
(b) One bond bearing No. M. 007281 of Rs. 5,000	5,000	220
2. 6½ per cent Government of India Bonds, 1935—		
(a) Three bonds bearing Nos. H. 00540 to H. 00542 of Rs. 5,000 each ...	15,000	1,462
(b) Five bonds bearing Nos. G. 003742 to G. 003746 of Rs. 1,000 each	5,000	487
(c) One bond bearing No. G. 003789 of Rs. 1,000	1,000	102
(d) Eight bonds bearing Nos. F. 001617 to F. 001628 of Rs. 500 each	4,000	390
	32,000	2,751
Grand Total Rupees	34,751	

III. Immoveable properties :—

"A" Houses.—

Item.	Description.	Assessed value. Rs.	Market value estimated at 20 years assessed value. Rs.
1.	Bungalow No. 9 in Haudin Road, C. & M. Sation, Bangalore	780	15,600
2.	Bungalow No. 18 in Barlic Street, C. & M. Station	300	6,000
3.	Bungalow No. 20 in Barlic Street	336	6,720
4.	Bungalow No. 22 in Barlic Street	300	6,000
5.	Bungalow No. 24 in Barlic Street	240	4,800
6.	Bungalow No. 13 in Park Road, Tasker Town, C. & M. Station, Bangalore.	480	9,600
7.	Bungalow No. 13-A, in Park Road	480	9,600
8.	Bungalow No. 12, Curve Road, Tasker Town, C. & M. Station	480	9,600
9.	Bungalow No. 12-A, Curve Road	600	12,000
10.	House in No. 13 in "G" No. 5th Street, Jougupalyam, Ulsoor, C. & M. Station	120	2,400
11.	House No. 45 in G. No. 10th Street, Jougupalyam, Ulsoor	108	2,160
12.	Bungalow No. 22, Cambridge Road, Ulsoor, C. & M. Station	480	9,600
13.	House No. 76, situate in Dommalur, C. & M. Station including a vacant land adjoining thereto	36	720
14.	House No. 28 in Dommalur	24	480
15.	Vacant land situated in G. Street, Ulsoor, C. & M. Station, Bangalore, bounded on the east by Appajappa's land, west by Nagappa's house, north by road and south by compound of Bungalow No. 22, Cambridge Road and Rajkumar Mudaliar's vacant land.		

"B" Lands.—

Item.	Description.	Area. A.	Area. G.	Market value. Rs.	
1.	Garden in Appareddipalya belonging to Jodi Binmangala, C. & M. Station, Bangalore, bounded on the east by Nagappa's land, west by grass farm of Devidoss, north by road and south by Nanjamma's land	5	20	6,000	5
2.	Wet land bearing S. No. 19/2 situate in Dommalur in C. & M. Station, Bangalore	0	21	160	10
3.	Land bearing S. No. 61/1 in the aforesaid Village	0	16		
4.	Land bearing S. No. 66 in the abovesaid Village	0	13		15
5.	Land bearing S. No. 79/3 in the above-said Village	0	10		
6.	Land bearing S. No. 59 in the above-said Village	0	7		20
7.	Land bearing S. No. 54 in the above-said village	0	2	Items 3 to 7 Rs. 75.	
8.	Half portion of land bearing S. N. 210 in Doddagunta, C. & M. Station ..	0	1	Rs. 25.	25
9.	Half portion of land bearing S. N. 231 in Doddagunta	0	15		
10.	Half portion of land bearing S. No. 65, situate in Akkithimmanahalli, C. & M. Station, Bangalore	1	18		30
11.	Half portion of land bearing S. No. 66 situate in Akkithimmanahalli	0	12		
12.	Half portion of land bearing S. No. 66 situate in Akkithimmanahalli	0	7	Items 10 to 14 Rs. 350.	
13.	Half portion of land bearing S. No. 64/30 situate in Akkithimmanahalli.	0	7		35
14.	Half portion of land bearing S. No. 64/39 in Akkithimmanahalli	0	10		
	Total immovable properties			Rs. 1,02,600	40

IV. Leasehold property—Nil.

V. Property in Public Companies—

		Price of the day. Rs.	
1.	200 fully paid shares of Bangalore Bank, Limited (now in liquidation) of the face value of Rs. 10 each	Nil	45
2.	P. F. bond for Rs. 600 in Cantonment Provident Fund, Ltd., in C. & M. Station	450	50

VI. Policy of Insurance upon life and money out on mortgage and other securities, etc.—

		Present value. Rs.	
1.	(a) Policy No. 99805 for Rs. 2,000 in Oriental Government Security Life Assurance Co., Limited	2,000	55
	(b) Policy No. 367969 for Rs. 30,000 in Oriental Government Security Life Assurance Co., Ltd., on the life of K. M. Narayana Reddy	4,200	60

		Rs.		Present value Rs.
2. Mortgage and other loans.—			B. F.	6,200
Principal	....	39,470		
Interest	....	29,030		
Total	....	68,500		
Less irrecoverable and doubtful	....	22,650		
		45,850		45,850
Total (1) and (2)			....	52,050

VI. Bad debts Rs. 10,000.

VII. Stock in trade Timber Rs. 200.

VIII. Other properties—Nil.

Total of Annexure "A" 2,50,764

Annexure "B."

Statement of Debts, etc.

			Rs.	a.	p.
I.	Amount of debts due and owing from the deceased payable by law out of the estate	....	3,851	5	6
II.	Amount of funeral bills	....	2,000	0	0
III.	Amount of mortgage incumbrance	....	Nil		
IV.	Property held in trust	....	750	0	0
V.	Other property not subject to duty	....	.....		
VI.	Provident Fund Bond as per V(2) in Annexure "A"	....	450	0	0
	Total	....	7,051	5	6

Bangalore,
5th July 1939.

(Sd.) K. M. Narayana Reddy.

Solemnly affirmed to before me this 6th day of July 1939.

(Sd.) T. Srinivasa Chetty,
Shirestedar.
6th July 1939.

True copy of Exhibit P24 in C. C. No. 1 of 39-40 marked in the case file No. O. P. 47 of 39; O. S. 38 of 39; on the file of the District Judge's Court, C. & M. Station, Bangalore.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate.

Compared by
(Sd.) C. A. Ghani,
Head Clerk.

Exhibit P239.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

O. P. No. 47 OF 1939.

Petitioner: K. M. Narayana Reddy. *Vs.* *Counter Petitioner*: 2. K. M. Kodandarama Reddy.

The Counter-Petitioner abovenamed begs to file the following objections to the petitioner praying for probate of an alleged Will.

1. This Counter-Petitioner puts the petitioner to strict proof of the fact of "due execution" of the Will alleged.

2. The petitioner has ample reasons to believe that the Will is a document got up by the petitioner with the active connivance of his partisans.

3. In presenting the petition in question the petitioner has not acted *bonafide*. The execution and genuineness of the alleged Will is being disputed by the mother of the petitioner and this counter-petitioner ever since its existence was alleged by the petitioner in March or April 1935. There have been active contested proceedings going on about the alleged Will in the City Courts for the last over four years in diverse forms. The demand notice got issued for a copy of the alleged Will from the office of late Mr. C. N. Suryaprakas to Mr. S. K. Venkataranga Iyengar the alleged custodian of the Original Will in July 1935 has never been responded to at all till this date.

4. The extraordinary delay in asking for the alleged Will being probated and the circumstances surrounding the alleged Will require judicial scrutiny in the interests of justice, in view of the fact that a family consisting of an illiterate woman, the widow of late Mr. Muninanjappa and eight of their children excluding the petitioner—six of them being still minors—with family properties estimated at over four lakhs of rupees have been reduced to almost starvation for the last five years on account of the petitioner's unrighteous conduct and court proceedings adopted under evil influences.

Wherefore this Counter-Petitioner prays that the petition may be dismissed with costs.

BANGALORE CANTT.
Dated 20th November 1939.

(Sd.) K. M. KODANDARAMA REDDY,
Counter-Petitioner.

(Sd.) E. AHOBALANATH,
Advocate for Counter-Petitioner.

Verification.

I, the Counter-Petitioner abovenamed do hereby declare that what is stated above is true to the best of my knowledge and belief.

BANGALORE CANTT.
Dated 20th November 1939.

(Sd.) K. M. KODANDARAMA REDDY,
Counter-Petitioner.

Exhibit P25 in C. C. No. 1—39-40.

(Sd.) R. P. M.,
S. F. C. M.,
19-4-40.

Compared by
(Sd.) C. A. Ghani,
Head Clerk.

True copy of Exhibit P25 in C. C. No. 1/39-40 marked in the case file No. O. P. 47 of 1939/O. S. 38 of 1939 on the file of the District Judge's Court, C. & M. Station, Bangalore.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate,
Bangalore.

Seal of the Special First Class Magistrate's Court, Bangalore.

Exhibit P240.

No. 4066. *Court Seal dated 6th July 1939.*

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

5 O. P. No. 47 OF 1939.

In the Matter of Probate of the Will of K. Muninanjappa, Deceased.

PETITIONER.—K. M. Narayana Reddy.

Hg. 24-8-1909.

To

The Collector,
10 Civil and Military Station,
Bangalore.

Notice is hereby given that application has been made to the Court of the District Judge, C. & M. Station, Bangalore, for a grant of probate of the Will, dated 5th January 1935 of K. Muninanjappa of Ulsoor, who died on 8th January 1935 15 at No. 22, Cambridge Road, Ulsoor, C. & M. Station, to K. M. Narayana Reddy one of the executors named in the said Will.

The gross value of the Estate has been shown to be Rs. 2,50,764 and the net value of Rs. 2,43,712-10-6

Bangalore,
20 9th August 1939.

(Sd.) H. S. NARASIAH,
Counsel for Petitioner.

For *District and Sessions Judge.*

Returned.

(1) Translation of Will not filed.

(2) Duplicate copy of notice to Collector and copies of petition and affidavit 25 not filed.

(1) Original Will to be filed, if not necessity for probate before the arrival of the original to be stated.

Time 10 days.

(Id.) P. M.,
District Judge,
30 12-7-39.

Court Seal dated 24th July 1939.

Re-submitted with—

(1) Translation of Will.

(2) Duplicate copy of notice to Collector and copies of petition and 35 affidavit.

(1) Original Will could not be filed and the necessity for probate before the arrival of the original is due to the fact that issues on the genuineness of the Will in O. S. 28/36 and O. S. 113 of 1938 on the file of the Additional District Munsiff, C. & M. Station are kept untried pending probate proceedings.

40 (Sd.) H. S. NARASIAH,
Counsel for Petitioner,
24-7-39.

Exhibit No. P26 in C. C. No. 1/39-40.

(Sd.) R. P. M.,
45 *S. F. C. M.,*
19-4-40.

(Sd.) C. A. Ghani,
Head Clerk.

True copy of Exhibit P26 in C. C. No. 1/39-40 marked in the case file No. 10 50 P. 47 of 1939/O. S. 38 of 1939 on the file of the District Judge's Court, C. & M. Station, Bangalore.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate,
Bangalore.

55 Seal of the Special First Class Magistrate's Court, Bangalore.

Exhibit P241.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

MIS. CASE No. 67 OF 1935-36.

Petitioner: K. M. Narayana Reddy. *Vs.* *Opponents*: Lakshmamma and others. 5

Under Order XIII, Rule 9 of the Code of Civil Procedure.

The petitioner abovenamed begs to state as follows:—

1. That he has produced a Will dated 5th January 1938 of late K. Muni-ınjappa as an Exhibit in the above case and the same is marked Exhibit A. The me has been duly proved by P. W. 1. 10

2. The petitioner has filed a suit against one Nagappa and others for recovery certain immovable properties in O. S. 28 of 1936 on the file of the District unsiff, Civil and Military Station, Bangalore and the same is pending, posted for ial after several adjournments.

'th September 1938. (Id.) H. S. N. 15

3. In the said suit an issue regarding the genuineness of the abovesaid will is amed and burden is cast upon the petitioner to prove it.

4. Therefore it has become necessary that the Will should be returned to the ›titioner in order to enable him to file the same in O. S. 28 of 1936 aforesaid and ove the same. 20

5. The petitioner has produced herewith *a certified copy* of the said Will and ; also undertakes to produce the original whenever required by this Honourable ourt. Therefore the petitioner prays that the Original Will marked as Exhibit A ı the above be returned to him.

Bangalore, 26-8-38. K. M. NARAYANA REDDY, *Petitioner.* 25

(Sd.) M. N. Narayana Rao,
" H. S. Narasiah,
Counsel for the Petitioner.

I, the petitioner abovesaid, do hereby declare that what is stated above in 30 aras 1 to 5 is true to the best of my knowledge, information and belief.

Bangalore. 26-8-38. (Sd.) K. M. NARAYANA REDDY, *Petitioner.*

Exhibit P242.

CIVIL AND MILITARY STATION, BANGALORE MUNICIPALITY. 35

No. 422. CERTIFICATE OF DEATH.

Name—K. Muninanjappa.
Nationality or Caste—Hindu.
Sex—Male.
Age—Fifty years. Months..... Days..... 40
Occupation.....
Cause of Death—Nephritis.
Date of Death—8th January 1935.
Date when registered.—10th January 1935.
Residence at time of death—Street: Cambridge Road, Door No. 22, 45
Division I.
Informant's signature or mark—P. Rangachar.
Do residence—Medical Assistant, South Range.

I do hereby certify that the above is a true extract from the register.
Fee—Rs. 2 (Rupees two only.) 50
Date—4th July 1940.
Bangalore.

Sd.) Not clear,
Health Officer.
4-7-40.

Sd.) H. H. CARLESTON,
President, Municipal Commission,
C. & M. Station, Bangalore. 55

Exhibit P243.

MEMORANDUM.

No. 346/40. Dated 9th July 1940.

5 From
The Health Officer,
Station Municipality,
Bangalore.

To
The Inspector of Police,
'A' Division,
Bangalore City.

---

10 *Reference*:—Your letter No. 4/40-41, dated 9th July 1940.

The following is the true extract from the Register of Deaths maintained at the Ulsoor Sub-Health Office :—

(1) Yearly Number—513.
(2) Monthly Number—23.
15 (3) Name—K. Muninanjappa.
(4) Circle—III Circle.
(5) Nationality or Case—Hindu.
(6) Sex—Male.
(7) Age—50 years.
20 (8) Months—Nil.
(9) Days—Nil.
(10) Occupation.....
(11) Cause of Death—Nephritis.
(12) Date of Death—8th January 1935.
25 (13) Date when registered—9th January 1935.
(14) Residence at time of death—Street: Cambridge Road.
(15) Door Number—22.
(16) Division—I.
(17) Informant's Signature or mark—K. M. Narayana Reddy.
30 (18) Do residence—22, Cambridge Road.
(19) Name of burial or burning ground—Buried in own land.
(20) Signature of Sub-Registrar—Vaccinator: K. Venkata Ramaiah.
(21) Remarks:— ....

(Sd.) Not clear,
35 *Health Officer.*
9-7-40.

Received.

(Sd.) G. S. DORASWAMY IYER,
Public Prosecutor.
40 9-7-40.

Exhibit P244.

Register of Deaths maintained in the Health Office, Ulsoor, Civil and Military Station, Bangalore.

Exhibit P244(a).

45 Entry in page 70 of Exhibit P244 relating to the death of K. Muninanjappa; and

Exhibit P245.

Register of Deaths maintained in the Health Office, Bangalore Cantonment.

(All these were returned to P. W. 105, on 29th July 1940 after retaining the 50 copy of Exhibit P244(a) as per orders of the Judge).

Exhibit P244(a).

True Copy of the entries relating to the death of K. Muninanjappa as registered in the death register of Ulsoor Sub-Registrar's Office for the month of January 1935, noted on page 70.

(1) Yearly Number—513.
(2) Monthly Number—23.
(3) Name—K. Muninanjappa.
(4) Circle—III.
(5) Nationality or Caste—Hindu
(6) Sex—Male.
(7) Age—Years 50.
(8) Months—Nil.
(9) Days—Nit.
(10) Occupation—Nil.
(11) Cause of Death—Nephritis.
(12) Date of Death—8th January 1935.
(13) Date when registered—9th January 1935.
(14) Residence at time of death—Street: Cambridge Road.
(15) Door No. 22.
(16) Division—I.
(17) Informant's signature or mark—(Sd.) K. M. Narayana Reddy.
(18) Do residence—No. 22, Cambridge Road.
(19) Name of burial or burning ground—Buried in own land.
(20) Signature of Sub-Registrar—Vaccinator: (Sd.) K. Venkata Ramiah.
(21) Remarks—Nil.

"True Copy."

(Sd.) P. RANGACHAR,
Medical Assistant,
Health Department,
Bangalore Cantonment.

Sworn to before me.

(Sd.) A. SUNDARARAJA RAO,
Second Additional Sessions Judge,
29-7-40.

Exhibit P246.

IE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE, BANGALORE.

CRIMINAL CASE No. 1 OF 1939-40.

Deposition of Muniyan, P. W. 80.
Father's name—Koongavanam.
Age—60 years.
Caste—Adikarnataka.
Occupation—Watchman.
Residence—Near Sewage, Bangalore City.

Duly sworn.
3-5-40.

Examined by the Additional Public Prosecutor.—

I know P. W. 77. Kalappa had leased out apple crop in A1's garden. I was keeping watch in that garden. I know A3. He was watering apple garden of A1 and was living in the garden. I saw A3 two months ago for the last time. I saw him at about 6 P.M. on a Saturday about two months ago. A2 came and took away A3 then.

Cross-examination by counsels for A1 to A5.—Nil.

R. O. and A. C.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate.
3-5-40.

The records in Mis. Case No. 186 of 1936-37 on the file of the District Judge, Bangalore Division, Bangalore.

Exhibit P248.

Appeal petition dated 12th June 1938 in Mis. Appeal No. 1 of 1939-40 on the file of the High Court, Bangalore.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Mis. Appeal No. 1 of 39-40.

5

Appellants (Defendants).

1. Lakshmamma.
2. Sharadamma, daughter of first appellant, both residing at 163, Gandhi Nagar, Bangalore City, care of Mr. M. Krishnamurthy, B.A., LL.B., Advocate, Cottonpet, Bangalore City.

10

Vs.

Respondent (Plaintiff).

K. M. Narayana Reddy, son of K. Muninanjappa, 22, Cambridge Road, C. & M. Station, Bangalore, care of Mr. M. P. Somasekhara Rao, B.A., LL.B., Advocate, Chikpet, Bangalore City.

Under O. 43, Rule 1(r) of the Code of Civil Procedure.

15 The appellants abovenamed beg to appeal from the order, dated 4th April 1939 passed on I. A. No. 1 in O. S. No. 11 of 37-38 on the file of the Court of the District Judge, Bangalore, making absolute the exparte order of temporary injunction passed on 2nd October 1937 and to set forth the following grounds of objection to the order appealed from, namely :—

20 1. The lower court erred in acting on the unwarranted assumption that "there is nothing to lead to the conclusion at this stage of the case that the alleged Will could not be genuine."

2. The lower court has erroneously ignored the indisputable facts of the case and the order in appeal sets out a mutilated version only of the facts in contro-

25 versy.

3. In dealing with the question regarding the alleged Will, the lower court has adopted a special pleading for the plaintiff, not permissible under the circumstances of the case.

4. The lower court has entirely overlooked the following stern facts and the

30 necessary inferences deducible therefrom, namely :—

(i) The Will propounded by the plaintiff is an unregistered one and unprobated alleged to have been executed by late Muninanjappa on 5th January 1935, three days prior to his death.

(ii) From 5th January 1935 till 4th March 1937 the alleged Will remained

35 admittedly in the custody of Mr. S. K. Venkataranga Iyengar, Advocate. On 4th March 1937, the Will for the first time after its alleged execution saw the light of day when its custodian could no longer help withholding its production from court in the fact of the court's orders passed on 4th March 1937.

(iii) Mr. S. K. Venkataranga Iyengar did not, for reasons best known to

40 him, produce the Will in his custody or even a copy of it on 16th November 1935 when he as Advocate on behalf of the respondent filed Mis. 67 of 35-36 in the lower court, inspite of the specific mention in the petition that a true copy of the Will had been filed along with the petition in Mis. 67 of 1935-36.

(iv) The alleged production of a copy of the Will on 25th March

45 1936 in Mis. 67 of 35-36 referred to in para 7 of the order in appeal requires Judicial scrutiny in the face of the repeated grievance on the part of the appellants even after 25th March 1936 that the guardianship proceedings in Mis. 67 of 35-36 were going on without even a copy of the alleged Will being put into the file of Mis. 67 of 35-36 by the respondent (who was the petitioner in Mis. 67 of

50 35-36) or his Advocate.

(v) Regarding the part played by Mr. S. K. Venkataranga Iyengar in the alleged Will transaction, the sworn testimony of a witness examined in Mis. 67 of 35-36 on behalf of the propounder of the Will is as follows: "Some clerk wrote Exhibit A under iustructions from Mr. Venkataranga Iyengar..... I was not

55 there when he (testator Muninanjappa) affixed his thumb mark to it. Exhibit A was written in the bungalow of the testator Muninanjappa in a room opposite to the one in which Muninanjappa was sleeping..... I was not present in the room when Exhibit A was written and I stayed with Muninanjappa in the room in which he was sleeping and I was not allowed to get into the room in which

60 Exhibit A was written."

(vi) The suit amounts, namely Rs. 10,000 and Rs. 15,000 stood in the Mysore Bank, in the names of the appellants, respectively, as depositors long prior to the date of the alleged Will and Muninanjappa had no capacity in any manner to deal as a testator with properties that did not belong to him.

(vii) In the face of the express recital in the Will that Muninanjappa had ancestral properties he is legally incompetent to dispose of family properties under any Will.

(viii) The laywer's notices issued in July 1935 on behalf of Appellant No. 1 calling upon both the Respondent and the custodian of the alleged Will Mr. S. K. Venkataranga Iyengar to furnish appellant's lawyer with a true copy of the alleged Will did not elicit any reply and Mr. S. K. Venkataranga Iyengar who continued as the Petitioner's Advocate in Mis. 67 of 35-36 from 16th November 1935 to 4th March 1937 has not chosen to offer any explanation at any time for not having produced the copy of the Will as alleged in Mis. 67 of 35-36 petition.

5. In deciding the question of temporary injunction the lower court ought not to have under the circumstances, started with every presumption in favour of plaintiff, especially when the entire burden of showing a prima facie case in his favour lay on the plaintiff.

6. The theory that the deposits in the names of appellants were benami or nominal is glaringly opposed to the case put forward by respondent in Mis. 67 of 35-36 and the validity of the Will comes into prominence for consideration.

7. There are no reasons given why every allegation made by plaintiff should have been taken as not unworthy of credence, in the face of the court's observation that the allegations will have to be proved by means of evidence and in ignorance of what appellant No. 1 alleges against her own son, plaintiff in the case.

8. The suit amounts being in the names of the appellants even during the life time of Muninanjappa and the same having been dealth with by the appellants as their own property long prior and subsequent to the death of Muninanjappa, there is no force in the lower court's remark that appellants have not stated how they claim the suit amounts as their own.

9. When the alleged attestation of Lakshmamma, first appellant to the alleged Will has yet to be established, the observation that she contests the Will as a spurious document because she wants to establish her absolute ownership to the deposit of Rs. 10,000-0-0 is hardly fair and judicial.

10. In judging of the conduct of plaintiff in the case, the lower court has failed to note that on 16th November 1935 the petitioner obtained in the guardianship case Mis. 67 of 35-36 exparte court orders prohibiting first appellant from dealing with her own moneys, on the basis of a deliberately false allegation that a true copy of the Will was produced in court, while as a matter of fact no copy was at all produced, and that from 16th November 1935 the amount has not been fetching any interest. The lower court ought to have noticed that there was recourse to sharp practice on court for snatching away a prohibitory order regarding the adult first appellants deposit amount in guardianship proceedings relating to minors' deposit. The lower court ought to have further noticed that the respondent after obtaining prohibitory orders from court regarding second Appellant's deposit of Rs. 15,000-0-0 on 16th November 1935, managed to keep in force the said order on empty pretexts for over sixteen months even after 2nd appellant became a major and that the present suit was filed on 10th January 1937 the very day on which the guardianship proceedings were dropped against the 2nd appellant. The 2nd appellant became a major on 10th April 1936; the written intimation was submitted to court on 11th August 1936 about 2nd appellant having become a major and Mis. 67 of 35-36 proceedings were dropped by the court order on 1st October 1937.

11. When the plaintiff claims in his plaint to be "entitled and authorised to take charge of the suit amounts," the lower court's interpretation of the suit as one for declaration and perpetual injunction is obviously erroneous and the *ad valorem* court fee ought to have been levied before the petition for temporary injunction was even entertained.

12. The appellant submits that the material facts in controversy have escaped due consideration at the hands of the lower court on account of more than four months interval between the hearings of arguments and the pronouncing of the order in question.

13. The lower court ought to have held that plaintiff has failed to make out any prima facie case in his favour for the grant temporary injunction and plaintiff's petition for the same ought to have been dismissed with costs. The order in appeal is based on unwarranted assumptions. The reasons given in support of the same by the lower court are not sound and tenable. The order regarding costs is inequitable and erroneous.

Wherefore the appellant prays that the lower court's order dated 4th April 1939 in appeal may be set aside and plaintiff's petition for temporary injunction dismissed with costs throughout.

The 1st appellant has this day filed miscellaneous appeal No. of 38-39 from the order passed on 3rd April 1939 in Mis. 67 of 35-36 the alleged Will propounded by the Respondent K. M. Narayana Reddy is the basis of the claims put forward by him in both Mis. 67 of 35-36 and O. S. 11 of 37-38. Appellant submits that this appeal and the appeal from Mis. 67 of 35-36 may be conveniently heard together, as they both arise out of one and the same set of facts.

Bangalore City,
12th June 1938.

(Sd.) M. KRISHNA MURTHY,
Advocate for Appellants.

Exhibit P249.

Examination of accused person.
Section 364, C. P. Code.
Form No. 38, Criminal.

IN THE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE, BANGALORE.

Criminal Case No. 1 *of* 1939-40.

Name of accused—K. M. Narayana Reddy.
Age—26 years.
Race } Reddy.
Religion }
Father's name—K. Muninanjappa.
Resident of 22, Cambridge Road.
Occupation – Contractor.

Q.—You have heard what the prosecution witnesses have deposed. What have you to say?

A.—As I have not cross-examined in this court, I will submit my statement in the Sessions Court.

Q.—Did you make before the City Magistrate, Bangalore, a confession as per Exhibit P1, read out to you now?

A.—In respect of this, I will submit a statement in the Sessions Court.

(Sd.) K. M. Narayana Reddy.

Certified that the above examination of K. M. Narayana Reddy, accused, was taken in my presence and in my hearing and that the record contains full and true account of the statement made by the said K. M. Narayana Reddy.

8th May 19[illegible]

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate.

Exhibit P250.

Name of Accused—Muniga. A2.
Age about—30 years.
Race } Adikarnataka.
Religion } 5
Father's name—Kadariga.
Resident of Appareddipalya.
Occupation—Mali under A1.

Q.—You have heard what the prosecution witnesses have deposed. What have you got to say. 10

A.—I am quite an innocent person. I do not know anything.

Left Thumb Mark of Muniga.
8-5-40.

Certified that the above examination of Muniga, accused, was taken in my presence and in my hearing and that the record contains a full and true account of 15 the statement made by the said Muniga.

8th May 1940. (Sd.) R. P. MALLAPPA,
Special First Class Magistrate.

Exhibit P251.

Name of Accused—Rama. A3. 20
Age—45 years.
Race } Adikarnataka.
Religion }
Father's name—Muniga.
Resident of Motappanapalya. 25
Occupation—Servant under Accused 1.

Q.—You have heard what the prosecution witnesses have stated. What have you to say?

A.—I am quite an innocent person. I do not know anything.

Bears the Left Thumb Mark of Rama. 30
8-5-40

Certified that the above examination of Rama, accused, was taken in my presence and in my own hearing and that the record contains full and true account of the statement made by the said Rama.

8th May 1940. (Sd.) R. P. MALLAPPA, 35
Special First Class Magistrate

Exhibit P252.

Name of Accused—Maddura *alias* Munimaddura. A4.
Age 30 years.
Race } Adikarnataka. 40
Religion }
Father's name—Avaliga.
Resident of Murageshapalya.
Occupation—Cooly.

—You have heard what the prosecution witness as have stated. What have 45 to say?

A.—I do not know anything.

Bears the Left Thumb Mark of Maddura *alias* Munimaddura.
8-5-40.

Certified that the above examination of Maddura *alias* Munimaddura, accused, 50 was taken in my presence and in my own hearing and that the record contains a full and true account of the statement made by the said Maddura *alias* Munimaddura.

8th May 1940. (Sd.) R. P. MALLAPPA,
Special First Class Magistrate. 55

Exhibit P253.

IN THE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE, BANGALORE.

Criminal Case No. 1 of 39-40.

5 Name of Accused—S. K. Venkata Ranga Iyengar.
Age 40 years.
Race } Brahmin.
Religion }
Father's name—Krishna Iyengar.
10 Resident of Gandhinagar, Bangalore City.
Occupation—Advocate.

Q.—You have heard what the prosecution witnesses have stated. What have you to say?

A.—I have been a practising Advocate of the Honourable High Court for the 15 last 18 years nearly. I am a man coming from a high and respectable family in Mysore. It is a great injustice that I have been made an accused in this case. This blame, which blackens my respect and the respect of my family, has made me to shudder. The facts of this case so far as they relate to me are false and are the result of zid. I am not a culprit even in the least. Besides, I am absolutely 20 innocent.

Q.—What do you say regarding the Will that is now produced in court and which is alleged to have been executed by late Muninanjappa.

A.—In everything connected with that Will I have acted in a manner, honourable to my Lawyer's profession and I have not given any room for any adverse 25 criticism. It is a genuine document written according to the desire of late Muninanjappa. The Pandits that were treating him, his near relatives and close friends have attested the Will and the conditions laid down therein were followed for some time and the accusation since recently levelled against it that it is not genuine, is not at all to be believed. With due regard to the dignity of my pro- 30 fession, it is more than 3 years since I gave up taking any sides in any suit connected with this Will. I have always been ready to bring to the notice of the court any correct information known to me about the Will and it is my firm conviction that I have never given any room for allegation made against me that I behaved contrary to this. I believe it is my duty to impress upon the court that in dealing 35 with the Will of the deceased Muninanjappa. I have never acted in a manner, dishonourable, either to my profession or to my family or to myself. The Advocates who hold the vakalat for me will fully satisfy the court on this point and as is it not the ordinary procedure to explain these matters in detail in my statement, by way of an argument I have to beg the court, to pardon me. I wish to submit to the 40 court that on the 2nd March 1940, as I had to attend to my work in the Court of the Additional District Judge, Additional Sub-Judge's Court, and in the Court of the District Registrar and in the other Courts I had absolutely no leisure to have any talk, as is suggested by the prosecution, which is objectionable even in the least. On 2nd March 1940 after the court work was over and at about 5-30 P.M. 45 I went to the Mysore Bank in connection with my professional work and after my work there was over, I went home and went through the worship of God as on a Saturday evening. I then made payments to the workmen who were at work in repairing my house and went to my office with Mr. C. M. Garudachar and in his car and after finishing my office work I went with him and with B. C. Krishna 50 Murthy, who was cited as a prosecution witness but was not examined, to the Cubbon Park where we had the advantage of fresh air and reached home again at about 9-15 P.M. and then I attended to the work of my clients who were there, and after taking my supper I went to bed.

On the morning of 3rd March 1940 I spent some time in Mr. C. V. Narasimha 55 Iyengar's house. Before going to Mr. C. V. Narasimha Iyengar's house and also after that, I spent my time with the clients and friends who went to my house; the statement that I went to the Cantonment that morning is only a concoction by the imagination of witnesses. Even that afternoon, I attended to my professional work and after dictating what I had to dictate to my Stenographer, I went 60 with Mr. Garudachar in the evening by way of some rest for sometime to the house of Mr. Moudgal whose name was included in the list of witnesses but who is not

examined. From there I went to my office and after completing my work there I went home and when I was taking rest at home, I was compelled by Mr. C. V. Narasimha Iyengar to talk through phone to Mr. C. M. Garudachar in connection with the case in the Magistrate's Court which had to be necessarily attended to on the next day and after taking his consent I went with Narasimha Iyengar, in his car to Mr. Koshi of the Travancore National Bank in the Civil and Military Station. From him Narasimha Iyengar took the records of his case which had to be delivered on the next day to Mr. Venkatarama Sastry, Advocate of Madras and a sum of Rs. 400. Then he went with me to my another client Pathangi Krishniah who had similarly been cited as a witness but was not examined. I went to him to take his permission and after making arrangements for the conduct of his next day's case I reached home. I gave strict instructions to my junior that the appeal which had to be filed in the High Court and the application which had to be filed in the District Registrar's Office must be filed the next day alone and I proceeded to Madras by the Express Train the next morning and after finishing my work there I left Madras the same night and reached Bangalore the next morning. I had no zid against late Krishna Murthy.

Certified that the above examination of S. K. Venkata Ranga Iyengar, accused, was taken in my presence and in my hearing and that the record contains a full and true account of the statement made by the said S. K. Venkata Ranga Iyengar.

8th May 1940. (Sd.) R. P. MALLAPPA,
(Sd.) S. K. Venkataranga Iyengar. *Special First Class Magistrate.*

Q.—Was there any zid between you and Narayana Reddy who is the first accused in this case?

A.—After I retired from the case, for the last three years there was no cordiality. There was not much of cordiality after I withdrew from the case.

Q.—Before you were arrested, when and where did you last see Narayana Reddy?

A.—It was twenty days before the date of my arrest, that I saw him near this court.

(Sd.) S. K. VENKATARANGA IYENGAR.

Certified that the above examination of S. K. Venkata Ranga Iyengar, accused, was taken in my presence and in my hearing and that the record contains a full and true account of the statement made by the said S. K. Venkataranga Iyengar.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate.

Exhibit P254.

Ulsoor, Civil and Military Station, Bangalore.

Rs. 3,750. 11th February.

On demand we jointly and severally promise to pay to Mr. K. Muninanjappa of Ulsoor or order the sum of Rupees three thousand seven hundred and fifty only (3,750) together with interest at ten per cent per annum for value received this day in cash.

Bears the signature of T. Rachappa, Contractor, on two receipt stamps, Civil and Military Station of one anna each.

Bears the signature of M. Venkataswamy, Contractor, Ulsoor, on two receipt stamps, Civil and Military Station of one anna each.

(Sd.) Not clear.

Witness.

Endorsement written on the back side.

Paid Rupees fifty towards the interest amount.

(Sd.) M. Venkataswamy,
9-2-1939.

"Copy" S. N. Anantha Rao,
Sheristedar.

Exhibit D1.

Will dated 5th January 1935 got written by me K. Muninanjappa, aged about 50 years, son of Kannali Venkatappa, Contractor and Landlord, residing at Jougupalya, Ulsoor, Civil and Military Station, Bangalore, while in my good senses and consciousness is as follows :—

This Will had to be got written as my present bodily condition is not good, my ailment has increased since last two months as the life is not certain and as I had to settle the future proper management and conduct of all my family affairs after my death.

I am the only son of my father Venkatappa. I have no uterine brothers or sisters. Excepting a wet land and a house which are my only two ancestral properties I had no other properties. Without the help of any other property, with my wisdom and with great difficulty by taking up contract of buildings, etc., during the last 30 years, I have earned properties worth about two lakhs of rupees all of which are in my own possession and enjoyment.

I have six sons, the first by name K. M. Narayana Reddy, aged about 20 years ; the second by name Kodandarama Reddy, a minor, now aged about 13 years; the third by name Krishna Reddy, now minor, aged about 10 years; fourth by name Purushotham Reddy, minor, aged about 9 years; fifth by name Janardhana Reddy, minor, aged about 5 years; sixth by name Madhava Reddy, now aged about 3 years and three daughters, first by name Saradamma, aged about 16 years ; second by name Meenakshamma, minor and aged about 7 years, and the third Komalamma, minor and aged about 2 years; altogether I have nine children both male and female. Of these my first son, Narayana Reddy has married two wives and has been living with his children. I have given my first daughter Saradamma in marriage to Gurumurthappa who is under my protection. They are all in my family supported by me. Of the immoveable properties mentioned in the schedule hereunder, the first item should go to my 1st son Narayana Reddy, second item to 2nd son Kodandarama Reddy, third item to 3rd son Krishna Reddy, fourth item to 4th son Purushotham Reddy, fifth item to 5th son Janardhana Reddy, sixth item to 6th son Madhava Reddy and the 7th item to my 1st daughter Saradamma. Besides these, the fixed deposits kept by me in the Bank of Mysore in the names of my second son Kodandarama Reddy third son Krishna Reddy fourth son Purushotham Reddy, fifth son Janardhana Reddy, sixth son Madhava Reddy, and my daughter (1) Saradamma, (2) Meenakshamma, and (3) Komalamma should go to them respectively and they should be disposed of as per my directions hereunder. Besides, the entire interest accruing on the amount of fixed deposit in the Mysore Bank which is in the name of my wife of Lakshmamma, she is entitled to use as she likes during her life time and she is also at liberty to dispose of as she pleases Rs. 2,000 out of the Fixed Deposit. The remaining sum should be equally distributed between the two daughters Meenakshamma and Komalamma after Lakshmamma's life time. Out of the money deposited in the name of my wife Lakshmamma she can only dispose of according to her own desires the sum of Rs. 2,000 and the interest accruing on the whole amount and she has no right to utilise the whole sum. If unfortunately either Meenakshamma or Komalamma should die during the life time of Lakshmamma then their shares namely four thousand rupees each or if both should pre-decease Lakshmamma then the full sum of Rs. 8,000 should go to my five minor sons Kodandarama Reddy, Krishna Reddy, Purushotham Reddy, Janardhana Reddy and Madhava Reddy or to such of them as may be alive in equal shares. Lakshmamma is bound by this condition. Therefore out of the sums given to Lakshmamma, excepting over the sum of Rs. 2,000 over the rest she is given the right to enjoy the interest only. The sum of Rs. 8,000 as above said should after Lakshmamma's life time, go absolutely to my sons or daughters that may then be alive.

As my eldest son Narayana Reddy has married two wives and has already to bear the burden of the family I have decided to give him two shares and have given him not only the first item of the property which is the biggest of all properties mentioned in the schedule but have also declared that the undermentioned amounts and shares should be given to him and have transferred them to him. The details of amounts and shares to be given to him are given hereunder :—

(1) Rs. 9,755 with interest mentioned in the Savings Bank Pass Book No. 229 of the Bangalore Bank.

(2) Rs. 5,000 with interest in the Savings Bank Account, Bangalore Bank, as per Pass Book No. 251 standing in the name of my son Kodandarama Reddy.

(3) Rs. 2,675-6-7 with interest thereon which is in the current account in my name in the Bangalore Bank.

(4) The shares of the Bangalore Bank which are in my name and the shares which are in the names of my eldest son Narayana Reddy and the shares which are in the names of myself and my wife Lakshmamma—in all not less than 169 shares and not more than 200 shares in number.

Besides the abovementioned amounts shares and immoveable properties there are other moveable and immoveable properties which belong to me.

Among the moveables there are amounts due from parties and moneys outstanding on pronotes and bonds as can be seen from my account books maintained in connection with my banking transactions.

Besides these, there are Government of India $3\frac{1}{2}$ per cent loan bond number M007285 of rupees five thousand, three Government of India $6\frac{1}{2}$% Treasury bonds numbering H00540 to 542 of the value of rupees five thousand each, $6\frac{1}{2}$ per cent Treasury bond number G003789 of the value of rupees one thousand, eight bonds Nos. F001617 to F001624 of the value of rupees five hundred each and the two bonds bearing numbers..... now lost of rupees one thousand each in all bonds of the value of rupees thirty-two thousand.

Among the immoveables there are the bungalow with compound in which I am now living which is situated in Cambridge Road and bears No. 8; the house No. 9, Taskar Town Curve Road, and other houses the details are not just now available and are therefore now omitted, vacant sites and dry, wet and garden lands.

The abovementioned moveables and immoveables I have disposed of as stated below :—

(1) The whole of the amounts realised from tbe money transactions shall belong to my sons and none else has any right whatever over the same. But from out of the money so realised seven houses have to be built within the compound of item No. 8. One of the houses so built shall be given to my daughter Saradamma. The amount that remains after the construction of the houses shall be divided into seven shares two of which shall be given to my first son Narayana Reddy and each of the other sons shall get one share each.

(2) Of the Government Loan bonds mentioned above excluding the two bonds which are lost, the remaining Rs. 30,000 are dedicated to Dharma as detailed below. I have fully authorised the trustees mentioned below to spend the sum of Rs. 30,000 for all the acts of Dharma mentioned below or for as many of them as possible and according to the majority opinion of the trustees.

DETAILS OF DHARMAS.

1. In the compound of the bungalow No. 22, Cambridge Road, one house has to be arranged for Dharma and arrangements are to be made to conduct Harikatha and for holding discourses on religious topics and to feed the poor on the Sri Ramanavami Day and Sri Someswaraswami Car Festival Day every year and to feed not more than five saints every day.

2. I have hereby directed that arrangements are to be made for the boarding and the lodging to the poor Hindu students.

TRUSTEES.—1. K. M. Narayana Reddy.
2. M. Venkataswamappa.
3. S. K. Venkataranga Iyengar.

The sum of Rs. 2,000 left over out of the loan bonds stated above are to be used for my funeral ceremonies. The rent of the 9th item of the immoveable property which is left over undistributed from among the abovesaid immoveables is to be adjusted towards the payment of premium payable towards the Insurance of Narayana Reddy's life effected by me in the Oriental Life Insurance Company. Immediately after the receipt of the said Insurance amount the said amount as also the house item shall be divided equally among all my sons.

Excepting the vacant sites all other properties situate within the limits of the Civil and Military Station, Bangalore, shall equally be distributed between my six sons and one daughter Saradamma each of them shall as such be in enjoyment of the same.

In the same manner as I have been protecting the joint family, I desire that after my death my wife Lakshmamma and my eldest son Narayana Reddy both dearly loved by me should bear the responsibility of protecting them in my place. I have therefore hereby appointed them as joint guardians of all my minor children. My eldest son Narayana Reddy should do all that is necessary to earn the appreciation of his mother Lakshmamma and carry on the management of the family under her advise. Expenses must be economised in a manner so as neither to diminish the minors' estate nor to stint their progress and not more than Rs. 2,000 should be utilised for the marriage of minor daughter and not more than Rs. 1,000 for the marriage of minor sons.

My wife and my eldest son are fully authorised by me to incur the minor daughter's expenses that is their marriage expenses from out of the amounts given to their shares. But the expenses of minor sons should be met only from out of the joint property and it must be seen that their shares are not reduced.

The abovesaid guardians are authorised by me to use the amounts now in fixed deposit and the amounts realised by the banking transactions in a manner beneficial to the interests of the minors and so as to fetch better profits. The household expenses namely the whole expenses of the family should be met only from out of the family income of the immoveable properties and the guardians shall not use for this purpose either the deposits or the amounts realised from banking transactions.

When the said minors become majors they must be put in possession of their respective shares by the abovesaid guardians. But Saradamma has the right to enjoy the share given to her only during her life time and the absolute right over it does not belong to her. I have given to my daughter Saradamma a share more or less equal to that which I have given to my sons. I have given to her share Rs. 5,000 more than what I have given to my other children. To Gurumurthy who is her husband, and my brother-in-law's son and who was brought up by me I direct that Rs. 5,000 from out of the share given to her the guardians shall draw from the Bank and that the said sum be given to him. I desire that the said Gurumurthy will continue to remain as one in the family as he is now and do the necessary acts for the family benefit and progress. Other properties given to Saradamma should go to her children and if she dies issueless they shall belong to my descendants.

All the moveable and immoveable properties that are not mentioned in the abovesaid Will should wholly belong to my sons. To this effect have I, with my free will and consent, when in good sense and consciousness got this Will written by my lawyer, Mr. S. K. Venkata Ranga Iyengar, got it sealed and deposited with him for safe custody. Whatever Will I may have written prior to this stands cancelled by this.

SCHEDULE.

1. Municipal Door No. 9, Haudin Road, Ulsoor, Civil and Military Station.
2. Bungalow bearing Municipal Door No. 8 in Barlic Street, Langford Town, Civil and Military Station.
3. Bungalow No. 20 in the said Barlic Street.
4. Bungalow No. 22 in the said Barlic Street.
5. Bungalow No. 13, Park Road, Tasker Town, Civil and Military Station.
6. Bungalow No. 14, do do do
7. Bungalow No. 24, Langford Town, Civil and Military Station.
8. Bungalow No. 22 in said Cambridge Road.
9. Bungalow No. 12 in Curve Road, Tasker Town, Civil and Military Station.
10. Other moveable and immoveable properties.

In our presence he has approved what has been written above and [has signed* this saying that he got this written] with his knowledge.

Witnesses.—(Sd.) K. Venkatasamy.
(Sd.) T. Balakrishna Mudaliar.
(Sd.) Nanjundappa.
(Sd.) Anugondanahalli Native Pandit Narasimhiah.
(Sd.) M. Gurumurthy.
(Sd.) K. M. Narayana Reddy.
L. T. Mark of Lakshmamma.
(Sd.) M. Pillaiya.

*Exhibit D1(a).

Exhibit D2.

IN THE COURT OF THE SECOND ADDITIONAL DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

B. S. C. No. 30 OF 1939-40.

Two Left Thumb impressions of P.W. 33, Ponnambalam. 5
Taken in Court on 9-7-1940.

(Id.) A. S. R.,
Second Additional Sessions Judge,
9-7-1940.

Exhibit D2 (a). 10

IN THE COURT OF THE SECOND ADDITIONAL SESSIONS JUDGE, BANGALORE DIVISION, BANGALORE.

B. S. C. No. 30 OF 1939-40.

Two Right Thumb impressions of P.W. 33, Ponnambalam.
Taken in Court on 9-7-1940. 15

(Id.) A. S. R.,
Second Additional Sessions Judge,
9-7-1940.

Exhibit D3.

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE AT BANGALORE. 20

MIS. CASE No. 176 OF 1937-38.

Extract of the Order Sheet dated 2nd March 1940.

Petitioner by Mr. S. K. V.
Opponent by Mr. B. S. Rao. 25
Official Liquidator.

Petitioner has cited two witnesses. One is served personally. He states that he is not in possession of any documents except correspondence.

First witness served in person.

Mr. S. K. V. says that instead of the cash credit drawing account copy, the 30 pass books of the Mills containing the transactions are served and are before Court. They are 30 books and are produced to Court by the liquidator. Mr. G. S. D. says that he has not got with him any letter written by the Bank to the Mills.

Petitioner's witness is recalled and examined.
Arguments heard. Orders on 11-3-40. 35

(Intd.) H. N.,
2-3-40.

Exhibit D4.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE. 40

Dated the 17th August 1936.

Present:

T. SINGARAVELU MUDALIAR, ESQ., B.A., B.L.,
District Judge.

MIS. CASE No. 67 OF 1935-36. 45

Petitioner: K. M. Narayana Reddy. *Vs.* *Opponent* **Lakshmamma.**

ORDER.

This is an application under Section 11 of the Guardian and Wards Regulation 50 alleging that the petitioner's father one K. Muninanjappa, died in Civil and Military Station, Bangalore, on 8th January 1935 possessed of considerable moveable and immoveable properties in the Mysore State and Civil and Military Station,

Bangalore, that he has left behind him, the petitioner his eldest son, five sons and three daughters who are all minors and his widow, the opponent, the mother of the petitioner, that the deceased has left a Will under which he appointed the petitioner and the opponent as joint executors and guardians of the person and properties of the minors, that the opponent who first accepted to act under the Will subsequently repudiates the Will, that the testator has left cash to the extent of Rs. 10,000 each in the names of the minor sons in the Mysore Bank and Rs. 15,000 in the name of the minor daughter, Saradamma, and Rs. 10,000 in the name of opponent, that the testator has given directions with regard to the sum of Rs. 10,000 deposited in the name of the opponent, that the petitioner has been acting as executor under the Will of the deceased ever since his death, that he is the seniormost male member of the family competent to be the guardian of the minors and that it is necessary that the petitioner should be appointed as guardian to the minors. The opponent filed an objection statement stating that the petition is not maintainable in law, that the opponent is the natural guardian of the minors, that the Will referred to is a fabricated document, unregistered and unprobated, that without establishing in a proper Court the genuineness and validity of the Will, the petitioner cannot ask the opponent's natural rights to be taken away in the present proceedings, that the petitioner is not a proper person to be appointed guardian being inexperienced and has already been wasting the properties and that the petition is therefore not maintainable.

2. A preliminary objection was raised by the opponent's Advocate that the petitioner claiming to be a testamentary guardian cannot be allowed to file this petition without producing a probate of the Will. It was contended by the petitioner's Advocate that for purposes of appointing a guardian probate of the Will need not be produced. Reliance was placed by both the Advocates on the decision in I. L. R. 42, Calcutta, page 953 where it was held that in an application for the appointment of a guardian of a minor, the Court is bound to consider a Will, although probate has not been granted, that the fact that there was a contest as to the validity of the Will may induce the Court to exercise its discretion one way or the other, but it is not open to the Court to say that it would refuse to take notice of the Will. The learned Advocate for the opponent relies upon the passage "it may possibly defer deciding on the question of guardianship until the question of probate has been determined" and contends that the Court has to defer the question of appointing guardian until the question of probate has been determined. This stage has not yet arrived. I therefore over-rule the preliminary objection and order further proceedings.

Pronounced in open Court by dictation to the Shorthand writer and the transcript thereof after revision has been signed.

(Sd.) T. SINGARAVELU MUDALIAR,
District Judge,
17-8-36.

(Sd.) N. Gangadhariah.

Exhibit D5 and D5(*a*).

Objection statement filed by A1 on 25th March 1936 in Mis. Case No. 67 of 1935-36 on the file of the District Judge, Bangalore.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

MIS. CASE No. 67 OF 35-36.

Petitioner: K. M. Narayana Reddy. *Vs.* *Opponent*: Lakshmamma.

Petitioner files the following objection :—

Presented by
Mr. S. K. Venkataranga Iyengar in person.
(Id.) S. N. A.,
25/3.

For orders *vide* order sheet, 25th March 1936.

K. M. Narayana Reddy, son of K. Muninanjappa, aged about 24 years, residing at No. 22, Cambridge Road, Civil and Military Station, Bangalore, do hereby solemnly affirm and state as follows :—

The petition in the above case had to be filed as the opponent was making arrangements to draw away the deposits taking advantage of her name having been mentioned as guardian at the time of the deposit, inspite of her knowledge that the petitioner's father who was the depositor had left clear directions in the Will (under which she was appointed as a co-executor along with the petitioner and acted as such for sometime) enjoining upon her not to draw the deposit at all events without the concurrence of the petitioner and that too for better investment.

2. The petitioner's anxiety throughout has been to preserve the deposits intact for the benefit of the minors without any opportunity for others to flitter away the same exploiting the weakness of the opponent and taking advantage of her sex.

3. All the allegations in the affidavit to the petition are a mere repetition of those alleged in the objection petition, which have been replied to fully, in the petitioner's reply. The same may kindly be read as part and parcel of this affidavit.

4. The Will having been attested by the opponent in token of her knowledge and acceptance of the contents, having been acted upon cannot be given a go-bye by the opponent at her sweet will and pleasure. Neither the fact of its being not registered nor of its being non-probated (for both of which she has been responsible on the ground that the same would involve unnecessary expenditure) can help her to sustain the objection. *However the copy of the Will is produced.

5. The petitioner is absolutely entitled to seek the intervention of this Honourable Court and the proceedings herein initiated are the proper and legitimate ones. This Court has as much to concern itself with the Will as the Probate Court would have to, and the proceedings before the Court be called either summary or indirect as far as the questions touching the genuineness or the validity of the Will.

6. This Court cannot be ousted of its jurisdiction by any indirect attempts on the part of the opponent. It is this and not the Civil and Military Station Court that is seized of jurisdiction.

7. The opponent's prayer that the deposits be transferred to the Civil and Military Station (Branch) is only a naive step to indirectly take away the jurisdiction of this Court.

8. The deposits admittedly belong to the minors and any person ultimately recognised as the guardian in these proceedings can only have a qualified right to deal with the property subject always to the orders of the Court.

9. The opponent cannot ask the Court to recognise her as the guardian before disposing of finally the petition and the Court cannot permit her to draw the heavy interest on these deposits which have got to be further invested in the names of the minors according to the terms of the Will.

10. The petitioner was always anxious to have the deposits renewed and inspite of his stating so, the opponent deliberately did not want such a course to be adopted.

11. The petitioner prays that the deposits may be ordered to be renewed in the names of the minors for such period as the Court considers reasonable with the Mysore Bank Head Office at Bangalore City. The interest which has now accrued on these deposits be also ordered to be deposited for the benefit of the minors.

12. The opponent has other means provided to her for the maintenance of the minor children. The petitioner is as much anxious to look after the minors and has been making provision for their maintenance ever since the time the opponent took them away from his protection.

13. The opponent is being made to spend money which she has realised from the Estate not for the benefit of the minors but for the benefit of others who wish to profit, by perpetuating the strained relationship between the petitioner and the opponent.

14. Without prejudice to the estate of the minors the petitioner has no objection to the opponent taking the amount of interest on the sum of Rs. 10,000 deposited by the deceased in her name, but she cannot be permitted to interfere with the Corpus as regards this Rs. 10,000.

---

*Exhibit D5(*a*)

15. Wherefore the petition filed by the opponent on 19th March 1935 be dismissed with costs.

Bangalore, 25-3-36. } (Sd.) K. M. NARAYANA REDDY, *Petitioner.*

5 I, the petitioner abovenamed, do hereby state that what is stated above is true to the best of my knowledge.

(Sd.) K. M. NARAYANA REDDY.

Exhibit D6.

Petitioner's repply dated 10th January 1936 in Mis. 67—35-36 on the file of 10 the District Judge, Bangalore.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

MIS. CASE NO. 67 OF 35-36.

Petitioner.		*Opponent.*
15 K. M. Narayana Reddy.	*Vs.*	Lakshmamma.

The petitioner's reply to the opponent's objection statement is as follows :—

1. The opponent's '*Ipse-dixit*' that the petition is not maintainable, cannot affect in the least, the facts, which have been set forth in the petition, calling for the exercise of this Honourable Court's Jurisdiction.

20 2. The deposits are no doubt the properties of the minors, because they have been bequeathed to them, under the will of their father. Whatever may be the rights of the opponent to the guardianship of the person of the minors, she cannot lay claim by any law, to the natural guardianship of the minor's properties and that when the deceased has chosen to appoint testamentary guardians. It is false that 25 the petitioner, ever recognized the opponent's status as the natural guardian of the properties.

3. The allegations in para 4 of the objections are not well founded and false to the knowledge of the opponent. The opponent has indulged in reckless allegations in calling the Will a fabricated document. The Will is a genuine docu- 30 ment and the opponent has in token thereof attested the same. She is appointed an executor along with the petitioner under the Will. She acted as such for a time and has latterly taken up the present attitude, having been egged on by persons who are anxious to profit by the course of litigation. She is estopped from denying the Will or calling in question its genuineness. The original Will, will be caused to 35 be produced in due course of law, at the stage of evidence. The opponent has been supplied with a true copy of the Will, the original having been read over to her several times at her request and also to her Counsel. It was not registered as she herself stated that there is no need for its registration. Probate of the Will, will be taken, if and when felt necessary; but there is no bar to the grant of the 40 petitioner's prayer on the basis of an unprobated Will.

4. Paras 5 and 6 do not call for a specific reply, as they are merely a vague denial of the allegations of the petition. The petitioner was constrained to adopt proceedings before the Court in order to safeguard the interests of the minors as the opponent actuated with ulterior motives was making arrangements to draw the 45 deposits under the influence of the evil advisers.

5. It is not true that most of the properties, are within the limits of Civil and Military Station, Bangalore. There are several immoveable properties situate within the jurisdiction of this Honourable Court. Besides the deposits there are outstandings due to the estate of the deceased secured by the hypothecation of the immove- 50 able properties, within the jurisdiction of this Court. Any proceedings taken in the C. & M. Station Courts would have been infructuous. This Honourable Court is the proper Court for the adjudication of the matter.

6. The allegations in para 7 of the objection are scandalous and liable to be struck off. These allegations are besides false and mischievous, deliberately made 55 to prejudice the mind of the Court.

7. The prohibitory order was as stated above taken in time to preserve the properties of the minors intact. The opponent's anxiety to draw the deposits negative her bona-fides.

8. Even after making all allowance to the opponent's age and her standing in the family the petitioner could not abdicate his duties, as Executor and Guardian under the Will of the father, looking on when the properties were being wasted by the opponent whose weakness was being exploited by interested persons in order to gain their own ends. 5

9. Inspite of repeated opportunities to the opponent she has been evading to render accounts of her management and on the top of it has openly renounced the Will, asserting her rights independent of the same.

10. The petitioner is ready and willing to have the deposits with the Bank renewed and other cash that may be collected deposited in the form of any approved 10 security and is prepared to account for all sums that he may have to handle and furnish security therefor.

Wherefore, the Court may be pleased to grant the petitioner's prayer.

(Sd.) S. K. VENKATARANGA IYENGAR, *Advocate for Petitioner.* (Sd.) K. M. NARAYANA REDDY, *Petitioner.* 15

BANGALORE, 10*th January* 1936.

Advocate for Petitioner.

I, the petitioner abovenamed do hereby solemnly declare and affirm that what is stated above is true to the best of my knowledge, information and belief, and in 20 token whereof, I have herein affixed my signature, at Bangalore City, this the 10th day of January 1936.

(Sd.) K. M. NARAYANA REDDY,
Petitioner.

Exhibit D7. 25

"*Extract of the Order Sheet in Mis Case. No. 67 of 35-36 on the file of the District Judge, Bangalore Division, Bangalore.*"

4th March 1937. Petitioner by Mr. M. N. S. for Mr. S. K. V. Opponent by Mr. M. K. Murti. Steps not taken. The points about which evidence has to be taken in this case:—(i) About the genuineness of the Will, and (ii) about the age of 30 the minor who is said to have attained majority.

The petitioner has to begin the case and no steps have been taken by the petitioner and no witnesses are in attendance. Even the petitioner is absent. He is said to have stood as a candidate for some election and has not come to court. That is by no means a good ground for an adjournment. Mr. S. K. V. 35 submits that inasmuch as he (*i.e.*, Mr. S. K. V.) is the custodian of the Will he does not want to appear in this case for the petitioner and will advise the petitioner to engage some other counsel. He should have done that by now. He may do so at least by next date of hearing and produce the original Will to court. As Mr. S. K. V. assures the court that on all previous dates of hearing his party was 40 bringing witnesses to court, though that fact does not appear on the face of the records, and inasmuch as he undertakes to bring all his witnesses next day. I grant him an adjournment subject to the petitioner paying Rs. 7 costs. For evidence adjourned to 30th March 1937.

Opponent and Saradamma are before the court. Mr. M. K. Murti requests 45 me to note that the petitioner has not produced Will even to-day. Mr. S. K. V. says that he will immediately ge home and get the Will. He is directed to do so before 5 P.M. to-day. Case will be called again at 5 P.M. to-day.

1.) S. V.,
4-3-37. 50

Later at 5 P.M. Case called. Mr. S. K. V. files the Will with a memo. It is received subject to objections. As requested by Mr. S. K. V. it will be kept in a sealed cover in the iron safe. Adjourned to 30-3-37.

Exhibit D8 and D8(a)

IN THE COURT OF SESSIONS, BANGALORE DIVISION, BANGALORE.

BANGALORE SESSIONS CASE NO. 30 OF 1939-40.

5 (Intd.) A. S. R.,
Second Additional Sessions Judge,
15-7-40.

Application dated 16th November 1935 filed by A1 for the issue of a prohibitory order to the Bank of Mysore in Mis. No. 67—35-36 and the order of the
10 *Judge directing the issue of a prohibitory order.*

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE-

MIS. NO. 67 OF 1935-36.

Petitioner :—K. M. Narayana Reddy, son of K. Muninanjappa, aged about 24,
15 22, Cambridge Road, Civil and Military Station, Bangalore.

Vs.

Opponent :—Lakshmamma, aged about 40, wife of K. Muninanjappa, Ulsoor, Civil and Military Station, Bangalore.

Exhibit D8(a).

20 Under Section 12, Clause 2 of the Mysore Guardians and Wards Regulation the petitioner abovenamed states as follows :—

Presented by Mr. S. K. V.
(Id.) T. S.,
16-11-35.

25 Issued prohibitory order and notice to opponent.

(Id.) T. S.,
16-11-35.

1. The petitioner herein has filed an application for an order declaring him the guardian of the properties of his minor brothers and sisters within the
30 jurisdiction of this Honourable Court.

2. That the petitioner is appointed testamentary guardian and executor under the Will of his decesed father, K. Muninanjappa who died possessed of considerable moveable and immoveable properties in Civil and Military Station and Mysore State.

35 3. That of the moveable properties so left behind are deposits with the Bank of Mysore, Limited, Bangalore City in the names of the petitioner's minor brothers and sisters hereinafter mentioned in the schedule. The deceased had deposited Rs. 10,000 in the name of the deceased's wife the opponent herein, the testator having directed in the Will that out of this, the opponent shall be entitled
40 to an absolute estate to the extent of only Rs. 2,000 and life estate in the balance, the same to vest in his last two minor daughters Meenakshamma and Komalamma if alive at her death and in the event of their not being alive, in such of the minor sons as may be alive.

4. The Opponent herein who at first agreed to act as under the Will and who
45 has attested the Will in token of her acceptance has been latterly disclaiming knowledge thereof and is otherwise acting against the interests of the minor's estate being under the influence of persons who are anxious to exploit the situation and take advantage of her weakness.

5. Putting the petitioner off the track till now by constant negotiations, she is
50 attempting to draw the amounts in deposit as they mature this day taking advantage of the circumstance that the deposits receipts are with her and they had been deposited in the names of the minors, she being nominated as the guardian.

6. That pending the disposal of the application, if she is allowed to draw the deposits the minor's interests will be seriously jeopardised.

7. The Bank authorities even though warned of the risks they are running in making payment to the Opponent, have replied that in the absence of the orders of a competent court they would make the payment.

8. In the circumstances it has become necessary and just and that pending disposal of the application the Court be pleased to pass an interlocutory order directing the Mysore Bank not to pay the schedule deposits and the interest thereon except as regards the last item to anyone without the orders of the Court and to hold the deposits subject to the further orders of this Honourable Court.

9. Wherefore an order may kindly be passed accordingly.

(Sd.) K. M. NARAYANA REDDY,
Petitioner.

I, the petitioner abovenamed do hereby declare that I am willing to act as the guardian of the properties of the minors within the jurisdiction of this Honourable Court.

(Sd.) K. M. NARAYANA REDDY,
Petitioner.

SCHEDULE.

		Rs.
1.	K. M. Kodandarama Reddy	10,000
2.	K. M. Krishna Reddy	10,000
3.	K. M. Purushothama Reddy	10,000
4.	K. M. Janardhana Reddy	10,000
5.	K. M. Madhava Reddy	10,000
6.	Sharadamma	15,000
7.	Meenakshamma	5,000
8.	Komalamma	5,000
9.	Lakshmamma	10,000

(Corpus to the extent of Rs. 8,000)

(Sd.) K. M. NARAYANA REDDY,
Petitioner.

Exhibit D9.

Objection petition, dated 11th November 1937 filed by A1 in Mis. 67 of 35-on the file of the District Judge, Bangalore.

By Advocate in Court.
(Id.) P. S.,
11-11-37.

IN THE COURT OF THE DISTRICT JUDGE OF BANGALORE.

MISCELLANEOUS CASE No. 67 OF 35-36.

Petitioner: K. M. Narayana Reddy. *Vs.* *Opponent*: Lakshmamma.

By the way of objection to the application filed by the opponent on1st November 1937 under Sections 11, 33 and 49 of the Guardian and Wards Regulation.

I, Petitioner Narayana Reddy do on solemn affirmation state as follows :—

1. The opponent's statement that she is the guardian of her minor children is not correct. According to the terms of the Will executed by the late Muninanjappa, my father and the opponent's husband and both the opponent and myself are appointed executors and guardians and in the above proceedings I have applied that I may be declared the guardian of the minors on the grounds stated in the petition. I have submitted in my application that the opponent is acting contrary to the Will that she originally agreed to its terms and even attested the Will and that it would be against the interests of the minors that she should act as their guardian.

2. In the above circumstances I submit that the opponent is unfit to look after the minors' persons and properties and that the interests of the minors require that I should be their sole guardian. If the minors are sent to me by the opponent to reside with me I am prepared to maintain them in comfort consistently with the status and position of the family.

3. Under the terms of the late Muninanjappa's Will, dated 5th January 1935, abovementioned all current expenses of the family are to be met by the guardians out of the income of immoveable properties and the deposits and outstandings of the family are not to be utilised for the aforesaid purpose. It is further provided that on the minors attaining their majority, amounts to the credit of each according to the Will should be handed over to them by the guardians. In view of this fact it is submitted that the interest on fixed deposits bequeathed to the minors should be allowed to accumulate till their attaining majority. I have no objection to proper arrangements being made through the Court pending disposal of this petition for the renewal of fixed deposits in the names of the several minors to whom the interest amounts belong.

4. So far as the income from immoveable properties is concerned the main source of income is the rent from house properties amounting to about Rs. 400 per month. It is not true that I am in exclusive possession of these properties. The opponent is living in one of the houses with the minors. She was originally living with me but left me some months after my father's death. While we were living together I was looking after the family and maintaining the minors. But after the opponent began to reside separately she began to interfere with the management of the properties in a way detrimental to the estate and instigated a number of tenants not to pay the rents due in respect of the properties in their occupation. Thus, the rents to the extent of over Rs. 300 per month are not being realised and the tenants who have refused to pay the rent have relied upon the notices issued by the opponent asking them not to pay rent to me. As a result of the opponent's wrongful conduct a large portion of the family income is not being realised since the opponent does not co-operate with me in collecting the rents or in taking legal action for the purpose. It is impossible for me to realise the rents which have to be utilised for the maintenance of the family and of the minors.

5. If the opponent withdraws the notices issued by her to her tenants I shall collect the rents and utilise the same for the maintenance of the family and of the minors. Pending disposal of this petition I have no objection to place a reasonable portion of the rents at the disposal of the opponent for the minors' maintenance. I further submit that the amount of Rs. 25 for the maintenance of each minor claimed by the opponent is unreasonable. It is open to the Court to fix a reasonable amount which I shall be prepared to pay into Court for the maintenance of the minors provided the opponent enables me to collect the rents. I desire further to submit that if the opponent is aggreeable to that course an interim order may be passed by the Court authorising her to collect the rents of certain specific properties yielding an income adequate for the maintenance of the minors during the pendency of this case.

6. In regard to several reckless allegations made in the opponent's affidavit I beg to state as follows :—

7. It is not true that I have taken to evil ways or I am under unwholesome influence.

8. It is true that the opponent and the minors are living separately from me, that is because the opponent herself left me and took away the children.

9. I submit that the Will relied on by me is genuine. It is attested both by the opponent and a number of other near relations. The genuineness of the Will further is a matter for evidence.

10. As already submitted, I have no objection to the Fixed Deposits being renewed and the accrued interest also being kept in Fixed Deposits in the names of the several minors to whom they belong.

11. It is not true that I made false allegations about the opponent's conduct.

12. It is not true that the opponent has been forced to live on borrowed moneys. She is living in one of the family houses and she has recovered considerable amounts out of the family outstandings and has utilised the same for the maintenance of herself and the children, though this was against the terms of the Will. I further understanding that she has been purchasing properties in the

name of her son-in-law Gurumurthy Reddy, who is living with her and who is her own brother's son. She is thus, acting in a way prejudicial to my interest and the interest of the minors. Further more, when she gave up residing with me she took her jewels worth about Rs. 25,000 and cash to the extent of Rs. 12,000. These facts will be clear from the notices exchanged between the parties. She has also drawn Rs. 1,600 as interest from the Bank of Mysore even before the institution of this case.

13. The allegations in para 8 of the affidavit of the opponent are false in view of what is stated above.

14. I submit that the claim for Rs. 25 per month for the maintenance of each minor is unreasonable and exorbitant. Further the minors are not all of the same age and their requirements are not the same. Such being the case I submit that it would not be reasonable to allow anything more than Rs. 100 per month for the maintenance of the minors.

15. I submit that it is not in the interests of the minor boys that they should live with the opponent even during the pendency of this case. Their education and upbringing is being neglected and their continuance with the opponent will be prejudicial to their interest. It is very desirable that they should reside with me and be under my care. If, however, such an arrangement is not possible immediately I would suggest the minor boys being kept in the Rama Krishna Students Home and their maintenance being arranged out of the rents of the houses as already submited.

16. For the foregoing reasons I submit that there are no grounds for permitting the opponent to draw the accumulated interest of Rs. 4,000 and to appropriate the same as stated in para 10 of her affidavit.

Bangalore City,
Dated 11th November 1937.

(Sd.) K. M. NARAYANA REDDY,
Petitioner.

"Sworn to before me."

Seal of the Second Munsiff's Court, Bangalore.

(Sd.) H. R. Basavannappa,
H. M., 11-11-37.

Exhibit D10.

Objection petition, dated 8—9th July 1938 filed by A1 in Mis. 67 of 35-36 on the file of the District Judge, Bangalore.

By Advocate in Court.
(Intd.) P. S.,
9-7-38.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

MISCELLANEOUS CASE NO. 67 OF 35-36.

Petitioner: K. M. Narayana Reddy. *Vs.* *Opponents*: Lakshmamma and others.

Objections of the petitioner to the application made on behalf of the Opponent 1.

It is true that an order was passed by this Court on 2nd April 1938 in regard to the maintenance of the minors. The purport of the order can be gathered from the order itself and the petitioner does not admit the correctness of the interpretation which the Opponent may seek to put on the said order inconsistent with the order itself.

2. It is true that a temporary injunction was granted on or about 10th November 1935 in regard to the Fixed Deposit in the Mysore Bank. But on the application of the Opponent an order was passed on 27th March 1936 with the consent of the petitioner's counsel that the Fixed Deposit in question may be got renewed. The concerned Deposit Receipts were with the Opponent herself. She ought to have produced the receipts to the Court and got the deposit renewed through the Court. In the alternative she might if she chose have forwarded the deposit receipts to the Bank of Mysore with a copy of the order permitting renewal and got the deposits renewed. Instead of adopting either course she kept the deposit receipts with herself. She took no steps whatever to have the deposits

renewed. The renewal of the deposits could not be effected at all without the production of the deposit receipts.

3. There was no obligation whatever on the petitioner to get the deposits renewed and in fact he could not possibly do so, not being in possession of the deposit receipts. The opponent 1 has, therefore, no reason whatever to find fault with the petitioner for not renewing the deposit receipts.

4. The petitioner does not admit the correctness of the statement made by opponent 1 in regard to the accumulated interest on Fixed Deposits available in the Bank.

5. Opponent 1's allegation that Rs. 2,300 is still due as stated in para 4 of the opponent's petition is denied. The petitioner submits that whatever balance may be due by reason of there being no accumulated interest available in the Bank is not payable by him. The fact that there is no such interest cannot be attributed to any wrongful conduct on the part of the petitioner; on the other hand Opponent 1 herself is responsible for the non-renewal of the deposits and for the fact that no interest was earned by them from 27th March 1936.

6. The petitioner has no objection whatever to the Fixed Deposits being renewed forthwith. If as stated by Opponent 1 it was discovered as long ago as 5th April 1938 that Opponent 1 had failed to take the necessary steps to renew the deposits it was her duty to have taken immediate steps to have them renewed in accordance with the order dated 27th March 1936 and if she has failed to do so till now the responsibility for the loss thereby caused is hers and not the petitioner's. The petitioner, therefore, denies the allegations of facts in paras 4, 5 and 6 of the petition and disputes the several contentions put forward therein.

7. As already submitted the deficiency if any caused as a result of non-renewal of the Fixed Deposits has to be made good not by the petitioner but by the Opponent 1 out of the interest on her own Fixed Deposit. She has, as a matter of fact, drawn nearly Rs. 2,000 already as interest on Fixed Deposit and she ought to utilise the same to make up the deficiency caused by her own negligence.

8. So far as further monthly payments of Rs. 125 are concerned the deposits may be got renewed and the interest thereon utilised for the maintenance. In the alternative the petitioner submits that he is prepared to arrange for the payments of some of the properties in Civil and Military Station to be paid to Opponent 1 for the maintenance of the minors to the extent of Rs. 125 per month.

For the foregoing reasons the petitioner prays that application made on behalf of Opponent 1 be dismissed with costs.

(Sd.) M. P. SOMASEKHARA RAO,
Advocate for Petitioner.

(Sd.) K. M. NARAYANA REDDY,
Petitioner.

BANGALORE,
Dated 8th July 1938.

I, the Petitioner abovenamed do hereby declare that what is stated above is true to the best of my knowledge, belief and information.

BANGALORE,
Dated 8th July 1938.

(Sd.) K. M. NARAYANA REDDY,
Petitioner.

Exhibit D11.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

MIS. No. 67 OF 37-38.

Petitioner. K. M. Narayana Reddy. *Vs.* *Opponent.* Lakshmamma.

Petitioner's objections of I. A. No. 7 filed by Opponent 1.

1. The paras 1, 2 and 3 of I. A. No. 7 call for no plea.

2. The para 5 is couched in a language wholly inappropriate for an application to be filed before the Court. With regard to the questions put to the court in the said para the plea of the petitioner is set forth herein after.

3. So far as the payment of maintenance at the rate of Rs. 125 up to 18th January 1939 is concerned, the petitioner is prepared to pay the same monthly provided the First Opponent withdraws the notices issued to the tenants preventing them from paying rent to the petitioner. It lies within the power of the First Opponent to

set matters right by refraining from throwing obstacles in the way of the petitioner managing the properties. If the First opponent issues a notice to the several tenants occupying houses comprised in the estate the petitioner will be able to realise the rents and the same can be utilised for the maintenance of the minors.

4. The allegations made in para 7 of the application are false. The Petitioner is in no way responsible for the "present situation." He asserts his claim to be manager and executor. But he submits that the several difficulties that have arisen in the management of the estate are entirely due to the obstacles and tactics of Opponent 1. As he has already submitted the Petitioner has been prevented from realising the income from the immoveable properties as a result of notices issued by the Opponent 1. Likewise the collections of debts due to the family have also been prevented by Opponent 1's tactics.

5. As a matter of fact opponent 1 has collected some of the debts due to the estate which she had no authority to collect. The following are some of the instances of her collecting the debts :—

(*a*) Mortgage debt due from Maji Ramiah and Annaiya—Total about Rs. 3,000 and odd;

(*b*) Debt due from Chickaramiah of Kempapur—about Rs. 250;

(*c*) Debt due from Narayanaswamy Mudaliar, New Street Ulsoor—about Rs. 500.

6. The Opponent 1 has in her possession a number of documents evidencing liabilities to the estate and a number of valuable pledged jewels. Such being the case it has become impossible to collect the dues from the debtors of the estate. The petitioner learns that Opponent 1 has collected some of the loans due on the pledge of jewels. It is somewhat curious that in spite of all this she should come and complain that the Petitioner is responsible for what she styles "the present situation."

7. Opponent 1 though she was prevented by a temporary injunction from drawing Fixed Deposit amounts referred to in her application could have got them renewed. There was nothing to prevent her from doing so. In fact as long as ago as March 1936 Opponent 1 made an application in this case praying among other things for permission to renew the Fixed Deposits which were amount to become mature. Thereupon the Petitioner in the affidavit stated that he had no objection to the Opponent taking interest on the Deposits and that he had no objection to her renewing Deposits which were about to mature. Thereupon the Court was pleased to pass an order dated 27th March 1936 permitting Opponent 1 to renew Fixed Deposits in question. Opponent 1 who was in possession of the Fixed Deposit Receipts the production of which in the Bank was necessary for getting them renewed, and who had obtained permission of the Court to get them renewed was bound to renew them and having neglected to do so is herself responsible for any loss that might have resulted from the failure to renew the Fixed Deposits. The Petitioner is in no way responsible for any loss of interest resulting from the non-renewel of the Fixed Deposits in question and he cannot be taxed with liability for the loss thereby occasioned

8. In these circumstances it is submitted that the loss, if any, resulting from the non-renewal of Fixed Deposits in question has to be recovered from Opponent 1 hereself. The Fixed Deposits standing in her name compromises a sum of Rs. 2,000 over which under the Will of the late Mr. Muninanjappa she is given absolute rights. Moreover, she is fully entitled to the interest accruing from the said Fixed Deposits. From these sources it is submitted whatever loss has been occasioned by the failure to renew the Deposits of the minors should be recouped.

9. The Petitioner, therefore, submits that it is neither just nor proper that he should be called upon the deposit Rs. 1,141-1-0 as stated in para 7 of the application, nor is he liable for the alleged loss of Rs. 3,243 as stated in para 8 of the application. The petitioner submits that it is not true that loss to that extent has been caused. Nor is he in any way responsible for any loss that might have been occasioned.

10. Furthermore the Petitioner submits that since 1936 the rate of interest on Fixed Deposits in the Mysore Bank, Ltd., has been between 2 and 2½ per cent and at no time 3 per cent as stated by the Opponent 1.

11. So far as para 9 of the application is concerned the Petitioner submits that as already stated he is in no way responsible for the loss of interest on any of

the Fixed Deposits owing to the non-renewal of the same. It is Opponent 1 that was responsible for failure to renew the same. Such being the case the Petitioner cannot be held responsible for the alleged loss to Sharadamma and Opponent 1 as stated in para 9 of the Application. The Petitioner submits that Opponent 1 cannot make an application for the payment of Rs. 900 as per para 9. He further submits that the claim is excessive and is not maintainable in any view of the case.

12. The Petitioner denies that any loss or damages have been suffered by the Opponent as stated in para 10 of the application. He also denies that the proceedings have cost the Opponent Rs. 1,000 with regard to the several points for consideration set forth in para 9 the Petitioner has made his submission above.

13. There is no reasonable basis for the Opponent 1 suggesting that the Petitioner is responsible for a deliberate prolongation of the case or for imputing any ulterior motives to the Petitioner. On the other hand, Opponent 1 has been deliberately throwing obstacles in the way of progress of the case and is purposely attempting to throw the blame on the Petitioner.

14. It is submitted that the future course to be adopted in the proceedings is to proceed to take evidence and decide about genuineness and validity of the Will relied on by the Petitioner and adjudicate whether or not it would be in the best interest of the minor having regard to the terms of the Will and other circumstances that the Petitioner should be appointed as a guardian of the minor. It is strange that Opponent 1 should entertain doubts as to the further course of the proceedings.

15. It is true that Kodandarama Reddy will become major in a few months. The consequence of his attaining his majority will have to be decided after he becomes a major.

16. It is true the genuineness and validity of the Will is an issue of O. S. No. 11 of 37-38. That is a suit between the Petitioner and Opponent 1 and Sharadamma though it may be convenient to try the said suit along with these proceedings, yet the decision in that suit can in no way determine the decision in this case as to the guardianship of the properties of the minors situated in Mysore. It is therefore, submitted that the present proceedings cannot be terminated at this state.

17. The Petitioner is unable to understand under what provisions of law the application of the Opponent is made. The said application contains several distinct matters and there is no specific prayer therein. It is not in proper form and is unsupported by any affidavit. Such being the case the application in its present form is liable to be rejected.

(Sd.) M. P. Somasekara Rao,
Advocate for Petitioner.

(Sd.) K. M. Narayana Reddy,
Petitioner.

I, the Petitioner abovenamed do hereby declare that what is stated above is true to the best of my knowledge, belief and information.

Bangalore,
Dated 6th August 1938.

(Sd.) K. M. Narayana Reddy,
Petitioner.

Exhibit D12.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

MIS. No. 67 OF 35-36.

Petitioner.		*Opponent.*
K. M. Narayana Reddy.	*Vs.*	Lakshmamma.

Affidavit filed by the Petitioner in answer to the application and affidavit filed on behalf of the opponent on 21st October 1938.

I, K. M. Narayana Reddy, Petitioner, herein do on solemn affirmation state as follows :—

1. The application filed by the opponent on 21st October 1938 is really no application at all. It does not come within the purview of Section 16 of the Guardian and Wards Act which is referred to. It does not ask for any relief nor does it pray for any order from the Court. On this ground alone the application and affidavit deserve no consideration whatever and ought to be rejected summarily.

2. There was absolutely no occasion for the opponent to file the application or the affidavit under reference.

3. The arrangement from which according to my Advocate, the opponent's Advocate backed out after having previously consented to the same is purposely misrepresented.

4. I therefore desire to explain the position clearly since there appears to be a designed attempt on the part of the opponent to twist and misrepresent the facts. 5

5. In the course of para 10 in I. A. No. 7 filed by Opponent, she has stated as follows :—" This opponent undertakes not to deal with any of the deposits in the Bank without the express written orders of this Honourable Court." In the course of his arguments the opponent's counsel submitted that the Opponent was prepared to abide by any orders which the Court may pass in the interests of the minors in 10 order to secure the deposits under reference from being wasted. My Advocate during his arguments submitted that there was no antagonism between myself and the minors in regard to the deposits in question and that on the other hand there was antagonism between the interest of the opponent and minors inasmuch as the opponent was setting up an absolute right in respect of certain deposits for herself 15 and her eldest daughter Sharadamma adversely to the rights to which the minors would be entitled under the Will of my father Muninanjappa. The Court was then pleased to observe that as the interests of the minors and those of both the opponent and myself would be antagonistic to each other in one way or another, the best course would be to appoint some official such as the Official Receiver as Guardian 20 of the property of the minors that is to say, the deposits in question or to have the deposits transferred to the name of the Court so as to have them under the courts control during the minority of the children for whose guardianship the application was made. Thereupon my counsel submitted that he would consult his client about the suggestion and state his view to the Court the next day and that in the mean- 25 while he would cut short his arguments on the question whether the case should be proceeded further or not, while the Advocate for the opponent stated promptly that his client was ready and willing to accept the Court's suggestions. The next day my Advocate submitted with my consent that I had no objection for the amount being kept in deposit in the name of the Court or for the Official Receiver or other 30 officer being appointed by the Court as guardian in respect of the deposits in question and he therefore did not address any further argument in regard to the main case. After my Advocate's arguments were over, the opponent's Advocate began to reply to him and in doing so he made several statements which made it evident that he was resiling from the position taken up by him on the previous day. 35 My Advocate then pointedly drew the attention of the court to this fact. It is thus clear that the arrangement referred to by my counsel was not the one suggested by him at first, namely, that I should be appointed guardian on furnishing adequate security but the one explained above.

6. I hereby deny every one of the allegations and insinuations against me and 40 my character contained in the affidavit in question. I emphatically deny and repudiate the imputation made against me that I am actuated by a desire to deprive the minors of their properties and to which myself by so doing.

7. I likewise deny the several similar allegations and insinuations made in the affidavit against Messrs. Venkataranga Iyengar and Venkataswamy, my co- 45 trustees, under my father's Will.

8. I assert that the Will in question is genuine and most emphatically repudiate and deny the Opponent's statement in her affidavit that it is a concocted one. The opponent herself knows fully well that the Will is genuine, being an attestor of the Will. Several of the close relations of Muninanjappa and of the opponent 50 have also attested the document. A copy of it was forwarded to Mr. Suryaprakash, the opponent's legal adviser, at his request by my legal adviser, Mr. S. K. Venkataranga Iyengar on 23rd September 1935 and the allegations repeatedly made by the opponent to the contrary effect are false.

9. It is true that I had endorsed the Government Loan Bonds of the value of 55 Rs. 30,000 standing in my name to the trustees under Will and this was done in pursuance of the Will. In fact, the bonds had been transferred to my name at the instance of late Muninanjappa and in pursuance of the trust under the Will. The opponent does not state how they came to be in her possession and her affidavit is designedly vague on the point. She should be called upon to make a definite 60 statement on the point with full particulars. The endorsement of the bonds in question was at the desire and with the full consent of the opponent and with the

knowledge and consent of the other trustees who also desired that the bonds should be left with the opponent who was an executrix of the Will of Muninanjappa till further steps for the execution of the trust could be taken. I issued a registered letter to the opponent on 1st October 1935 requesting that the bonds may be handed over for realising the same as they matured in September 1935. I understand that my Co-trustee Mr. Venkataswamy has despatched a similar registered letter to the opponent who however has till now failed to hand over the bonds. Separate action will be taken in regard to this matter and the allegations now made by the opponent in her affidavit are apparently inserted with a view to anticipate such action. I, however, emphatically deny that in endorsing the bonds in question on Mr. Venkataranga Iyengar and Mr. Venkataswamy and myself were attempting to make away with the value of the bonds as alleged.

9(a) I submit that the several allegations made in the affidavit personally against Messrs. Venkataranga Iyengar and Venkataswamy and against myself are unnecessary and scandulous and tend to prejudice embarrass the delay of the fair trial in the suit and that it is, therefore, desirable that these portions should be ordered to be struck out or amended.

10. I beg to invite the attention of the Court to the fact that the opponent's Advocate has throughout his arguments has been urging that the question of genuineness or otherwise of the Will need not and should not be gone into in these proceedings and no evidence need be taken in regard thereto. It is curious that while urging that I should not be allowed to adduce evidence in regard to the Will. The opponent should think it necessary and proper to make in her affidavit all kinds of allegations of fact attacking the genuineness of the Will.

11. In the circumstances, questions relating to the Will are quite immaterial at this stage and for the purpose of the questions which are being argued. I shall therefore refrain from dealing in detail and *seriatim* with each of the several allegations and contentions set forth in the opponent's affidavit beyond denying and contesting them generally.

12. I, however, beg to submit that the conduct of the opponent and her dealings with Muninanjappa's estate are such as to show that her statement that she is solely actuated by a desire to safeguard the interest of her minor children is untrue. I beg in particular to refer to the following facts in support of my submissions (a) Rs. 1,100-0-0 or so belonging to the estate have been invested in the name of the opponent's son-in-law Mr. Gurumurthy in the purchase of the car.

(*a*) The said Gurumurthy is also her brother's son. She has collected amounts a number of debts due to the estate without any authority and has failed to account for the same.

(*b*) A debt of Rs. 1,000 plus interest due under a mortgage deed to the estate of late Muninanjappa is sought to be wiped out by securing another mortgage from the mortgagor in the name of her son-in-law and realising the claims of the mortgage. A suit in respect of this mortgage debt is pending in O. S. No. 54 of 1938 on the file of the Munsiff-Magistrate in C. & M. Station.

(*c*) Moneys belonging to the estate in her custody are being advanced by her to various parties in the name of her son-in-law, *i.e.*, Rs. 300 have been lent to Mr. Venkataswamy in the name of her son-in-law by her.

(*d*) Rs. 200 have been invested on an iron safe in the name of her daughter Sharadamma.

(*e*) Jewellery belong to the estate and to the individual share of this petitioner worth over Rs. 30,000 and pledged jewels worth Rs. 10,000 have been secreted and retained in her possession.

(*f*) She is thwarting the realisations of moneys due to the estate of Muninanjappa in all actions for both secured and unsecured loans by the defendants and setting up the debtors to contest the suits by frivolous defences and by supporting them in such defences.

In the circumstances I respectfully submit that it would be opposed to the interests of the minors, if the opponent were appointed guardian.

Bangalore,
Dated 28th November 1938.

(Sd.) K. M. Narayana Reddy,
Petitioner.

Sworn to before me.

V. GUNDAPPA,
Sheristhedar,
Small Cause Court, Bangalore.
[illegible]-11-38.

Exhibit D(13).

ORDER SHEET IN O. S. 28—38/39 OF THE DISTRICT COURT, BANGALORE.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

O. S. No. 28 OF 38-39.

Plaintiffs :—	*Vs.*	*Defendants* :—
1. K. M. Kodandarama Reddy. 2. K. M. Krishna Reddy. 3. K. M. Purushotham. 4. K. M. Janardhan. 5. K. M. Madhavan. (2 to 5 minors by mother and Guardian Lakshmamma.)		1. L. Ramaswami Reddy. 2. L. Narayana Reddy. 3. L. Munisami Reddy. 4. L. S. Munisami Reddy. 5. Krishna Reddy. 6. Srinivasa Reddy. 7. K. M. Narayana Reddy.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	30-1-39	Plaint presented on 27th January 1939. Suit for recovery of Rs. 10,000 principal, Rs. 10,000 interest, in all Rs. 20,000 due on a registered mortgage bond dated 8th May 1930, executed by defendants 1 to 6 in favour of Plaintiffs' father against the mortgaged properties, only. The original mortgage bond is not produced. To be produced on the date of hearing. Stamp paid is correct. Issue summons by 27th February 1939. (Intd.) S. V., 30-1-39.	
	27-2-39	Plaintiffs. Summons to defendants 1 to 6 returned unserved for want of residence. Summons to 7th defendant not yet returned. On account of Tumkur Sessions adjourned to 14th March 1939. By Order, (Intd.) V. L. R., *Sheristhedar.*	
	14-3-39	Plaintiff by Mr. M. K. Murthi. Summons to 7th defendant returned duly served in person by Mr. B. R. K. for Mr. H. S. Narasiah. Fresh summons to correct address to Defendants 1 to 6 by 21st March 1939. Defence of 7th defendant also should be filed that day. (Intd.) S. V., 14-3-39.	
	21-3-39	Plaintiff by Mr. G. K. R. Summons issued to Defendants 1, 2, 5 and 6 served on house. Summons issued to defendants 3 and 4 not returned. Third defendant by Mr. S. S. Iyya, 7th Defendant by Mr. Narasiah. Fresh summons to Defendants 1, 2 and 4 to 6 and defence of defendants 3 and 7 by 22nd May 1939. (Intd.) S. V., 21-3-39.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer
	22-5-39	Plaintiff by Mr. M. K. 7th Defendant by Mr. B. P. R. 3 to 6 by Mr. B. V. R. Defence summons not yet returned. Defence 2nd June 1939. (Intd.) C. S., 22-5-39.
	2-6-39	Plaintiff by Mr. M. K. Defendants 1, 2 and 4 by Mr. S. S. Iyya. 3rd Defendant by Mr. S. S. Iyya. Defendants 5 and 6 by Mr..... 7th Defendant by Mr. H. S. Narasiah. Defendants 1, 2, 5 and 6 served in person. 4th defendant served on first. The 7th defendant will produce the mortgage deed and the accounts. Written Statement will be filed by 9th June 1939. (Intd.) C. S., 2-6-39.
	9-6-39	Plaintiff by Mr. M. K. Defendants 1 to 4 by Mr. S. S. Defendants 5 and 6 by Mr. D. S. 7th Defendant by Mr. H. S. N. wants time. Mortgage deed and accounts. Written statements, 20th June 1939. (Intd.) C. S., 9-6-39.
	20-6-39	Plaintiff. Defendants 1 to 4. Defendants 5 and 6. 7th Defendant. Mortgage deed and accounts. Written statement. On account of the inspection of the Kolar Gold Fields Munsiff's Court, adjourned to 21st June 1939. By Order, (Intd.) V. L. R., *Sheristhedar.*
	21-6-39	Plaintiff by Mr. M. K. Defendants 1 to 4 by Mr. G. N. K. Defendants 5 and 6 by Mr. B. V. R. 7th Defendant by Mr. M. N. N. Mortgage deed and accounts: Mortgage deed produced. Written statement of 7th defendant filed: Mr. M. N. K. says that the 7th defendant does not possess any accounts. Defence of others on 29th June 1939. (Intd.) G. P., 21-6-39.
	29-6-39	Plaintiff by Mr. M. K. Defendants 1 to 4 by Mr. N. K. for Mr. S. S. 5 and 6 by Mr. B. V. R. 7th Defendant by Mr. M. N. N.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		Defence of defendants 1 to 4 and 5 and 6 filed. Reply on 30th June 1939. (Intd.) G. P., 29-6-39.	
	30-6-39	Plaintiff by Mr. M. K. Defendants 1 to 4 by Mr. G. N. K. Defendants 5 and 6 by Mr. B. V. R. Defendant No. 7 by Mr. N. N. Reply filed: Particulars called for in the reply as regards the alleged discharge have to be furnished by 19th July 1939. (Intd.) G. P., 30-6-39.	
	19-7-39	Plaintiff by Mr. G. K. R. Defendants 1 to 4 by Mr. G. N. K. Defendants 5 and 6. 7th Defendant by Mr. M. N. N. Particulars furnished: Draft Issues on 21st July 1939. (Intd.) G. P., 19-7-39.	
	21-7-39	Plaintiff by Mr. G. K. Defendants 1 to 4 by Mr. G. N. K. Defendants 5 and 6 by Mr. B. V. R. 7th Defendant by Mr. M. N. N. Draft issues filed: Issues framed. Documents in fifteen days. Evidence on 25th September 1939. (Intd.) G. P., 21-7-39.	
	25-9-39	Plaintiff by Mr. M. K. M. Defendants 1 to 6 by 1st defendant in person. Defendants 5 and 6 by Mr. B. V. Rao. 7th Defendant by Mr. Narasiah. Plaintiff has summoned two witnesses. Summons issued to them served personally. Defendants 1 to 4 have summoned four witnesses. Defendants 5 and 6 have summoned four witnesses. Summonses issued not yet returned. Fifth defendant examined three witnesses to show that 5th is an agriculturist. He has not examined himself. His one witness states the income of fifth defendant is more than Rs. 1,000 a year as he is growing 30 candies of ragi, 40 candies of paddy and Rs. 500 to Rs. 1,000 worth of apples a year. I hold on the 6th issue that he is not an agriculturist. (Id.) A. S. R., 25-9-40. Defendant examined one witness and closed his case. None come defendant's side. S. Seetharamiah served and absent. B. W. R. S. at risk. Fresh summons to others at risk, no more adjournments. Adjourned to 1st November 1939. (Id.) A. S. R., 25-9-39.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleader when necessary
	1-11-39	Plaintiff by Mr. M. K. Defendants 1 to 4 by Mr. N. K. for Mr. S. S. 5 and 6 by Mr. S. N. for Mr. B. V. R. 7th Defendant by Mr. H. S. N. Steps taken by Defendants 1, 2, 3 and 4 who cited six witnesses of whom witnesses 1, 3 and 6 served in person and witness No. 5 served on residence. Witnesses 2 and 4 not served as they were not found in the given address. Only one witness for defendants present. Batta to him. Adjourned to 22nd November 1939. Parties must be ready. (Id.) G. P., 1-11-39.	
	22-11-39	Plaintiff by Mr. M. K. Murthi. Defendants 1 to 4 by Mr. S. S. for Mr. H. R. R. Defendants 5 and 6. 7th Defendant by Mr. Narasiah. Defendants 1 to 4 cited six witnesses of whom witness Nos. 3 and 6 served in person and witnesses 1, 2, 4 and 5 being absent served on residence. Defendants has two witnesses in attendance. Batta to them and fresh summons to other witnesses. Parties must be ready on the next date of hearing. As the Court is engaged in recording evidence in O. S. 30 of 37-38 adjourned to 14th December 1939. (Id.) H. N., 22-11-39.	
	14-12-39	Plaintiff by Mr. M. K. Murthy. Defendants 1 to 4 by Mr. S. S. Defendants 5 and 6. 7th Defendant by Mr. Narasiah. Defendants 1 to 4 have summoned three witnesses. Summons issued not yet returned. Only one witness is come for the defendants. He is Mr. S. K. Venkataranga Iyengar. He complains that the batta of Rs. 2 is insufficient. He will be paid Rs. 5 batta. Two witnesses have pleaded inconvenience to come. The parties should be ready. Fresh summons to all the witnesses. Adjourned to 12th January 1940. (Id.) H. N., 14-12-39.	
	22-12-39	I. A. No. I. The defendants 1 to 4 have filed an application under Sections 10 and 151 of C. P. C. praying that for the reasons stated in the application this case may be brought along with O. S. 10 of 39-40 on the file of this Court and not tried before the conclusion of that suit. Bring up on 12th January 1940. (Id.) H. N., 22-12-39.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	9-1-40	I. A. No. II. The first plaintiff filed an application under Order 40 and Section 151 of C. P. C. praying that for the reasons stated in the accompanying affidavit a Receiver may be appointed for the collection of the monthly rents of the buildings in Bangalore City of the annual yields from the agricultural properties hypothecated for the suit debt. Notice to the other side and bring up on the date of hearing of the suit. (Id.) H. N. 9-1-40.	
	12-1-40	Plaintiff by Mr. M. K. Murthi. Defendants 1 to 4 by Mr. S. S. by Advocate. Defendants 5 to 6 by Mr. B. V. Rao. 7th defendant by Mr. Narasiah. Copy of I. A. No. II was served on the Advocate for defendants. Objections on I. A. No. 1 filed. Objections on I. A. No. 2 on 29th January 1940. Evidence on 12th February 1940. (Intd.) H. N. 12-1-40.	
	29-1-40	Plaintiff. Defendants 1 to 4 by Mr. S. S. by Advocate files objections and affidavit. Defendants 5 to 6 by Mr. B. V. Rao filed objections. 7th defendant. Objections on I. A. No. 2. Reply if any and arguments on 6th February 1940. (Intd.) H. N. 29-1-40.	
	6-2-40	Plaintiff by Mr. M. K. Murthi. Defendants 1 to 4 by Mr. S. S. Defendants 5 to 6 by Mr. B. V. R. 7th defendant by Mr. Narasiah. Reply on I. A. No. II. Arguments. Adjourned to 14th February 1940 at the request of parties. (Intd.) H. N. 6-2-40.	
	14-2-40	Plaintiff by Mr. M. K. Murthi. Defendants 1 to 4 by Mr. S. S. Defendants 5 to 6 by Mr. B. V. R. 7th defendant by Mr. Narasiah. Arguments. Defendants 1 to 4 have taken out summonses to 3 witnesses for personal service. They ask for time till 26th February 1940 as there is a talk of compromise. So adjourned to 26th February 1940. (Intd.) H. N. 14-2-40.	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer
	26-2-40	Plaintiff by Mr. M. K. Murthi. Defendants 1 to 4 by Mr. S. S. Defendants 5 to 6 by Mr. B. V. R. 7th Defendant by Mr. Narasiah. Compromise. It is stated that the case is not compromised. So evidence on 8th March 1940. (Intd.) H. N. 26-2-40.
	8-3-40	Plaintiff. Defendants 1 to 4. Defendants 5 to 6. 7th defendant. Defendants 1 to 4 have taken out summonses to 4 witnesses for personal service. As the Court is engaged in hearing arguments in R. A. 252/36-37 and in recording evidence in O. S. 47/31-32, adjourned to 22nd May 1940. (Intd.) H. N. 8-3-40.

Exhibit D14.

PLAINT IN O.S. No. 28 OF 1938-39.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Original Suit No. 28 of 1938-39.

Plaintiffs. *Vs.* *Defendants.*

1. K. M. Kodandarama Reddy in his 19th year, student, Hindu.
2. K. M. Krishna.
3. K. M. Purushotham aged 16 years.
4. K. M. Janardhana, aged about 11 years.
5. K. M. Madhava, aged about 8 years.

All sons of late K. Muninanjappa of Ulsoor. Plaintiffs 2, 3, 4 and 5 minors by mother and natural guardian Lakshmamma residing at Gandhi Nagar, Bangalore City.

C/o Mr. M. Krishna Murthy, B.A., LL.B., Advocate, Cottonpet, Bangalore City.

1. L. Ramaswami Reddy, aged about 50 years, Mandi Merchant, Hindu.

C/o Mr. C. Kaverappa, Advocate, Chickpet, Bangalore City.

2. L. Narayana Reddy, aged about 45 years, Mandi Merchant, Hindu.
3. L. Munisami Reddy, aged about 40 years, Government Service, Office of the Industries Department.
4. L. C. Munisami Reddy, aged 36 years, Government Service, Engineering Department.
5. Krishna Reddy, aged about 21 years, Student.
6. Srinivasa Naidu, aged about 19 years, Student.

1 to 6 all sons of late Linga Reddy and members of a joint family under the management of Defendant No. 1 abovenamed and residing at Sankarapuram, Bangalore City.

7. K. M. Narayana Reddy, aged 28 years, son of K. Muninanjappa, Hindu, residing at 22, Cambridge Road, Civil and Military Station, Bangalore.

Unde Order VII, Rule 1 of the Code of Civil Procedure.

The Plaintiffs abovenamed beg to state as follows:—

1. Plaintiffs abovenamed and defendant No. 7, are all sons of late Mr. K. Muninanjappa of Ulsoor, Civil and Military Station. Plaintiff and Defendant No. 7 are separate in interest and have been living separate from about beginning of the year 1935. The Plaintiffs are all living under the care of their mother.

2. The father of Defendants Nos. 1 to 6 late Mr. Linga Reddy was a well-known Mandi Merchant and Contractor of Sankarapuram, Bangalore City.

3. On 29th July 1929 Defendants Nos. 1 to 6 inclusive abovenamed borrowed for their family purposes from plaintiff's father Rs. 20,000 under the registered mortgage deed bearing No. 264 of 1929-30 of Book No. I in the office of the Sub-Registrar, Bangalore City. The said amount with the interest thereon as per terms of the borrowing set out in the Bond remains still due from said Defendants.

4. Again on 8th May 1930, Defendants Nos. 1 to 6 inclusive borrowed from plaintiffs' father Rs. 10,000 under the registered mortgage deed bearing No. 2626 of 1929-30 Book No. 1 in the office of the Sub-Registrar, Bangalore City. The said amount with the interest due thereon is also due from the said defendants. Both the said borrowings are secured on the properties described in the schedule hereunder.

5. After the death of plaintiffs' father in the first week of January 1935, there arose serious differences between plaintiffs and defendant No. 7 Re: their family properties, on account of Defendant No. 7 having propounded a Will as left by late K. Muninanjappa. The genuineness and validity of the alleged Will set up by

Defendant No. 7 is being repudiated by plaintiffs in several court proceeeings. On the authority of the alleged Will Defendant No. 7 has been in exclusive possession of the plaintiffs' family account books and bonds, claiming to be one of the executors under the said Will. Plaintiffs have reasons to believe that all Defendants together have long been planning to somehow deprive plaintiffs of the moneys due under the aforesaid registered mortgage bonds.

6. In spite of plaintiffs' mother's earnest entreaties and first plaintiff's repeated demands on Defendants Nos. 1 to 6 for the discharge of the debts due by them Defendants 1 to 6 have not responded. They have been putting off payment on some pretext or other they are in fact trying to exploit the disputes between Plaintiffs and Defendant No. 7. Hence the necessity of this suit.

7. The original registered mortgage deeds referred to in paras No. 3 and 4 above are in the custody of Defendant No. 7. Necessary steps will be taken by plaintiffs for the same being produced in Court in course of the present suit proceedings.

8. Though both the debts on the said mortgage bonds are due now, plaintiffs have filed the present suit for recovery of the amount due on the 2nd mortgage bond dated 8th May 1930. The recovery of the present suit amount is sought for by the court sale of the plaint schedule hypothecated properties subject to the hypothecation under the first mortgage bond dated 29th July 1929. Plaintiffs beg to reserve their right for recovering the entire amount due to them on the said bond dated 29th July 1929 on a separate suit. The present suit is confined for the recovery of the moneys due on the bond dated 8th May 1930.

9. Both the said original hypothecation deeds not having been made available to plaintiffs by Defendant No. 7 with ulterior motives, plaintiffs had to provide themselves with the certified copies of the same obtained from the Sub-Registrar's Office. The certified copies are produced herewith.

10. Defendant No. 7 being one of the heirs of late Muninanjappa and thus interested in the suit debt, he has been made a defendant. Defendant No. 7 having ignored the demand made by Plaintiff No. 1 through registered notice for information *re*: family properties and the conduct of Defendant No. 7 having been demonstrably adverse to the minor plaintiffs' rights in the family estate, Defendant No. 7 could not be joined as one of the plaintiffs in the suit.

11. The main terms of the borrowing transaction between plaintiffs' deceased father and Defendants Nos. 1 to 6 under the registered deed dated 8th May 1930 are as follows:—

(*i*) The principal amount borrowed is Rs. 10,000, with interest at 9 per cent per annum, secured on the immoveables described in the plaint schedule hereunder.

(*ii*) The interest at 9 per cent *i.e.*, Rs. 225 is payable once in every three months; in default of payment of interest for six months, interest is payable at the enhanced rate of 12 per cent per annum; if interest be not paid for one year both principal and interest would become payable immediately on default of payment.

(*iii*) The time for repayment of the principal amount was 5 years from the date of borrowing.

12. On enquiries made by plaintiffs, Defendants Nos. 1 to 6 gave plaintiffs to understand that no payments of any kind have been made towards the suit debt. Including principal and interest, the total sum due on the suit bond is Rs. 20,000, Rs. 10,000 being principal and Rs. 10,000 interest thereon at 12 per cent per annum for over 8 years and 8 months from 8th May 1930 to the date of suit. The amount of interest over and above Rs. 10,000 is given up, not being recoverable under the rule of Damdupet. Plaintiffs and Defendant No. 7 are entitled to recover the full amount of Rs. 20,000 from Defendants 1 to 6.

13. The cause of action for the suit arose on 8th August 1930, 8th November 1930, 8th May 1931 and subsequently when Defendants Nos. 1 to 6 failed to act according to the terms of the suit bond at Bangalore City within the jurisdiction of this Hon'ble Court where the suit hypothecated properties are situate.

14. For purposes of jurisdiction and court-fee, the suit claim is valued at Rs. 20,000. A court fee stamp of Rs. 975 is accordingly produced herewith.

15. *Prayer for Judgment.*—Plaintiffs pray that (*i*) a decree be passed in favour of plaintiffs and defendant No. 7 against Defendants Nos. 1 to 6 for

Rs. 20,000 court costs and interest on Rs. 10,000 at the suit bond rate and on Rs. 20,000 and costs at the current rate from the date of suit till the date fixed by court for payment of the entire amount found due after calculation and with uniform rate of interest from the date fixed till the amount is recovered.

(*ii*) On default of Defendants Nos. 1 to 6 to pay the entire amount found due, the same may be made recoverable with costs by a court sale of the plaint schedule properties in accordance with law.

(*iii*) Such other relief be also granted as plaintiffs may be found entitled to in law and equity according to the facts found and circumstances of the case.

The schedule properties are subject to a first hypothecation in favour of late Muninanjappa, plaintiffs' father for a sum of Rs. 20,000 with interest thereon under the registered deed dated 29th July 1929.

BANGALORE CITY,
Jan. 1939.

Plaintiff No. 1.
(Sd.) K. M. Kodandarama Reddy.

Guardian of Plaintiffs 2 to 5.
Left thumb mark of Lakshmamma.
Guardian of minor Plaintiffs 2 to 5.

Advocate for Plaintiffs.

Verification.

We, Plaintiff No. 1 and Lakshmamma, natural guardian of Plaintiffs Nos. 2 to 5 abovenamed do hereby state that what is stated above is true to the best of our knowledge.

BANGALORE CITY,
Dated 27th Jan. 1939.

(Sd.) K. M. Kodandarama Reddy,
Plaintiff No. 1.

Left thumb mark of Lakshmamma.
Guardian of Plaintiff's Nos. 2 to 5.

Krishna, Purushotham, Janardhan and Madhava.

Documents Produced.

1. Copy of 1st Mortgage Bond dated 29th July 1929.
2. Copy of 2nd Mortgage Bond dated 8th May 1930.

The address of Defendants, 2, 3, 4, 5, and 6 are separately noted in the memo submitted herewith along with the process. Schedule of the property is given in separate sheets of paper attached to the plaint.

(Sd.) M. KRISHNA MURTHY,
Advocate for Plaintiffs.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.
O. S. No. 28 OF 1938-39.

Plantiffs. *Defendants.*

K. M. Kodandarama Reddy and others. *Vs.* L. Ramaswami Reddy and others.

Schedule of the immoveables hypothecated under the suit document.

Item No. 1.—Boundaries of the House bearing Municipal Board No. 167 in Shankarpur, Bangalore City, are as follows :—

East.—IV Main Road.
West.—Sampath Iyengar's House.
North.—IV Cross Road.
South.—Conservancy Road.

The Bungalow and out-houses which have got a compound and which are situated within the said limits :—

Item No. 2.—Boundaries of the site bearing Municipal Nos. 15 and 16 and of the buildings thereon situate in the III Road, New Taragupet, Bangalore City, are as follows :—

East.—III Main Road.
West.—IV Main Road.
North.—Ramaswamy Iyengar's Mandy.
South.—Cross Road.

The house, workshop, building and the vacant site which situate within the said limits :—

Item No. 3.—The boundaries of the land near Veebhoothipuragrama, Krishnarajapura Hobli, Bangalore Taluk, are :—

5 *East.*—Nekkundi Tank,
West.—'Halina' (Milk vendor) Basappa's land.
North.—The limits of Kaggadana.
South.—Chickamarappa's field.

Thirty-one acres and six guntas of land bearing Survey No. 153 with an 10 assessment of rupees thirty-four and the entire apple plants and other fruit trees standing thereon, situated within the aforesaid limits.

Item No. 4.—Five acres and thirty-seven guntas of land, bearing Survey No. 159 with an assessment of rupees eight situated near Veeboothipuragrama is bounded on the East :—By Malla's land, on the West :—By Sidda Basaraja- 15 swami's land, on the North :—By Appanna Reddy's field and on the South :—By Noorandiah's field. The land situated within the said limits.

Item No. 5.—Dry land bearing Survey No. 37, Extent :—Three acres and two guntas. Assessment :—Rs. 5-8-0, situated near Veebhootipuragrama is bounded on the East :—By Munivenkatappa's land, on the West :—By our land attached to 20 this schedule, on the North :—By Neeraganti Inamti land, on the South :—By our land attached to this schedule. The land situated within that limit, etc.

Item No. 6.—Seven acres and twenty-six guntas of land bearing Survey No. 38, Assessment :—Rs. 11-0-0 situated near the said Veebhoothipur Grama is bounded on the East :—By our land attached to this schedule, on the West : —By 25 our land attached to this schedule, on the North :—By Neeraganti Inmati land and on the South :—By Basavalingappa's land. The land situated within these limits.

Item No. 7.—One acre and thirty-three guntas of dry land bearing Survey No. 39, Assessment Rs. 2-4-0 situated near the said Veebhoothipuragrama is bounded on the East :—By the land belonging to Nanjappa and to us attached to 30 this schedule, on the West :—By Basalingappa's land, on the North :—By our land attached to this schedule, and on the South :—By Nanjundiah's land. The land situated within these limits.

Item No. 8.—Five acres and twenty guntas of dry land, bearing Survey No. 45, with an assessment of Rs. 8-0-0 situated near the said Veebhootipuragrama 35 is bounded on the East :—By our land attached to this schedule, on the West :—By Basalingappa's land, on the North :—By our land attached to this schedule, and on the South :—By Basalingappa's land. The dry land situated within these limits.

Item No. 9.—Two acres and eleven guntas of dry land bearing Survey No. 41, with an assessment of Rs. 4-8-0 situated near the said Veebhootipuragrama 40 is bounded on the East :—By Patel Gurreddy's land, on the West :—By the land belonging to Basalingappa and Nanjundiah, on the North :—By our land attached to this schedule, and on the South :—By Basalingappa's land. The dry land situated within these limits.

Item No. 10.—One acre and eighteen guntas of dry land bearing Survey 45 No. 42, with an assessment of Rs. 2-12-0 situated near the said Veebhootipuragrama is bounded on the East :—By our land attached to this schedule, on the West :—By the land belonging to Nanjundiah and Subba Rao, on the North :—By Nanjappa's land and on the South :—By our land attached to this schedule. The dry land situated within these boundaries.

50 *Item No. 11.*—Two acres and thirteen guntas of land bearing Survey No. 43, with an assessment of Rs. 4-8-0 situated near the said Veebhootipuragrama is bounded on the East :—By Government channel and Gurreddy's land, on the West and North :—By our lands attached to this schedule, and on the South :— By Patel Gurreddy's land. The land situated within these limits.

55 BANGALORE CITY, } (Sd.) K. M. KODANDARAMA REDDY.
Dated 27th January 1939. }

(Sd.) M. KRISHNA MURTHY,
Advocate for Plantiffs.
27-1-39

Exhibit D15.

WRITTEN STATEMENT OF DEFENDANTS 1 TO 4.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. No. 28 OF 38-39.

Plaintiff.		*Defendants.*
K. M. Kodanda Rama Reddy, and others.	*Vs.*	1. L. Ramaswamy Reddy. 2. L. Narayana Reddy. 3. L. Muniswamy Reddy. 4. L. S. Muniswamy Reddy. 5. Krishna Reddy. 6. Srinivasa Reddy. 7. K. M. Narayana Reddy.

Under Order VIII, Rule 1 of the Code of Civil Procedure, the defendants 1 to 4 state as follows:—

1. They are not aware of the relationships, the nature of the family disputes between the plaintiffs and their brother, the 7th defendant, and various other matters referred to in paras 1, 5, 7, 8, 9 and 10 of the plaint. The collusion referred to is between the plaintiffs and the 7th defendant and these defendants are not parties to it.

2. The suit is not maintainable as brought. The deceased father of the plaintiffs and the 7th defendant, K. Muninanjappa has, the defendants understand, left a Will, dated 5th January 1935 under which the 7th defendant is an executor of the properties along with their mother Lakshmamma. As neither of them has filed this suit and as no probate has been taken of the said Will, the suit is not maintainable and the plaintiffs have no cause of action for this suit nor any right to recover the debt alleged to be due by and claimed from these defendants.

3. The plaintiffs and the 7th defendant in collusion have not produced the accounts which to the best of the knowledge and information of these defendants contain payments made over and above the amounts represented in the receipts actually issued by the deceased. In addition to the payments of Rs. 1,750 made to the 7th defendant as admitted by him towards the debt in para 2 of his written statement, these defendants have paid an additional sum of Rs. 10,000 towards the debt. In all they have paid Rs. 17,535 (Rupees seventeen thousand five hundred and thirty-five) towards the debt. The payments have been made without distinction towards the two documents. Hence the liability will have to be clearly ascertained before fixing the amount due by these defendants towards the suit debt.

4. The interest claimed is exorbitant and penal. The plaintiffs and the 7th defendant are not entitled to interest either at the enhanced rate or even at 9 per cent. Further calculations made are wrong. The claim is excessive. The plaintiffs are only entitled to interest at a rate not exceeding 6 per cent per annum both according to understanding between the parties at the time of the execution of the mortgage deeds in question and according to law since the amounts borrowed are on ample security and are very heavy.

5. As the amount is very heavy and there is considerable depression in trade and agricultural seasons are very bad, the amounts ascertained to be due by these defendants may be made payable by easy annual instalments covering a period not less than ten years.

6. All the other allegations contained in the plaint not expressly admitted herein and inconsistent with this defence are denied and are false.

The suit is liable to be dismissed with costs.

(Sd.) L. Ramaswami Reddy.
" L. Narayana Reddy.
" L. Muniswamy.
" × L. C. Muniswamy Reddy.
(Defendants 1 to 4.)

Bangalore.
29-6-39.

S. SRIKANTIAH,
Advocate for Defendants 1 to 4.

We, the defendants 1 to 4 abovenamed do hereby declare that what is stated above in paras 1 to 6 is true to the best of our knowledge and belief.

(Signed.) L. Ramaswami Reddy.
" L. Narayana Reddy.
" L. Muniswamy.
" x L. C. Muniswamy Reddy.
(Defendants 1 to 4.)

Bangalore.
29-6-39.

Exhibit D15(a).

WRITTEN STATEMENT OF DEFENDANTS 5 AND 6.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. No. 28 OF 38-39.

Plaintiffs.	*Vs.*	*Defendants.*
K. M. Kodandarama Reddy and others.		L. Ramaswamy Reddy, and others. 5th Krishna Reddy. 6th Srinivasa Reddy.

Under Order 8 and Rule 1 of the Code of Civil Procedure, the 5th and 6th defendants submit their defence as follows:—

1. These defendants are not aware if plaintiffs and defendant 7 are separate in interest. They put plaintiffs to proof of this allegation.

2. These defendants are not aware of the allegations made in paragraphs 3 and 4 of the plaint. They put plaintiffs to strict proof of the genuineness of the two alleged mortgages, passing of consideration thereunder and the binding nature of the transactions so far as they relate to these defendants and their interests in plaint schedule properties. Further they submit they have not executed the said deeds. On plaintiffs' own showing, the said deeds, even if they be proved to have been executed by these defendants are void and unenforcible so far as they affect these defendants and their interests in the plaint schedule properties as they were admittedly minors on the respective dates of the deeds.

3. These defendants do not admit that there was any necessity for any of these defendants to borrow or much less to encumber the estate of the minors. The defendants 1 to 4 had no authority in law to borrow on behalf of or deal with the estate of these erst while minor defendants and even if they have done so their acts cannot bind these defendants. These defendants submit the transactions alleged by plaintiffs were not for the benefit of these erstwhile minor defendants.

4. On plaintiffs' own allegation that the father of plaintiffs has left a Will under which defendant No. 7 is constituted one of the executors, plaintiffs have no right to sue as the estate of testator K. Muninanjappa vests in the executors, and the latter alone are solely entitled in law to represent the estate and to enforce any rights vested in them by virtue of the Will. Plaint is further defective in that all the executors have not been brought on record. The suit is for this reason not maintainable in law.

5. It is false that these defendants ever planned to deprive anybody of their just dues.

6. No demands were at any time made by anyone these defendants. No excuses were made nor was there any reason to plead excuse as alleged. Defendants had absolutely no hand in any dispute *inter se* between plaintiffs and defendant No. 7 and these defendants are not aware of the disputes between plaintiffs and defendant No. 7.

7. Since a Will is alleged under which a number of persons are alleged to be constituted executors, the latter alone in a body are entitled to sue and this suit is bad for misjoinder and non-joinder of parties.

8. Even if the transactions referred to in the plaint are found true and binding the terms thereof are penal in nature, exorbitant and unconscionable. Plaintiffs are not entitled to reliefs in these terms in any event.

9. These defendants or their shares in the plaint schedule properties are not liable to plaintiffs in any sum either towards principal or interest.

10. The plaintiffs had no cause of action against these defendants or their shares in the plaint schedule properties and the cause of action mentioned in the plaint is incorrect.

11. Neither plaintiffs and defendant No. 7 jointly nor defendant No. 7 by himself is entitled to any relief in this suit. 5

12. Plaintiffs in any event being bound by the rule of *damdupat* are entitled to claim any interest in excess of the principal subsequent to suit.

13. The 5th defendant is an agriculturist as defined in Section 2 of the Act 18 of 1928 and is entitled to all reliefs thereunder.

14. These defendants do not admit the other allegations in the plaint 10 inconsistent with this defence.

Wherefore, defendants 5 and 6, respectively, pray the suit against them be dismissed with costs.

Bangalore,
Dated 29th June 1939.

(Signed) L. ಕೃಷ್ಣಪ್ಪ ರಡ್ಡಿ.
" L. SREENIVASA REDDY. 15
Defendants 5 and 6.

Rama Rao, B. V.,
Advocate for defendants
(5 and 6)

We, the defendants 5 and 6 abovenamed do hereby declare that what is stated 20 in paras 1 to 14 is true to the best of our knowledge and belief.

(Signed) L. ಕೃಷ್ಣಪ್ಪ ರಡ್ಡಿ.
" L. SREENIVASA REDDY.
Defendants 5 and 6.

Exhibit D15(*b*) 25

Written Statement of 7th Defendant.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. No. 28 OF 38-39.

Plaintiff.	*Vs.*	*Defendant.*
K. M. Kodandarama Reddy and others.		L. Ramaswamy Reddy and others. 30

Under Order VIII, Rule I of the Civil Procedure Code, the Seventh defendant abovenamed begs to state as follows:—

1. It is true that the Plaintiff and this Defendant are all sons of the late Mr. K. Muninanjappa but it is false that they are separate in interest, though living separately. They continued to live jointly after the death of their father till 35 about August 1935, and for certain petty domestic misunderstandings the mother of the Plaintiff is living separately with the minor children. It is false that the Plaintiffs are under the care of their mother for any pecuniary dependence except it be for personal attention and they are all being supported from the estate of the late Mr. Muninanjappa. This defendant is the eldest son, one of the two 40 joint executors appointed by Mr. Muninanjappa under his Will, dated 5th January 1935 and the Manager of the joint-family the members thereof being the Plaintiffs and this Defendant.

2. The allegations in paras 2, 3 and 4 are true. Only this defendant understands that during the life time of the late Muninanjappa, certain payments have 45 been made by Defendants 1 to 6 towards mortgage debt the details of which this defendant is unable to furnish but are contained in receipts issued by the deceased. After the death of Mr. Muninanjappa, this defendant has also realised a sum of Rs. 1,750 towards the debt due under the two mortgages.

3. It is false that any serious defferences arose between the Plaintiffs and 50 the Defendant immediately after the death of their father, in the first week of January 1935 due to the Will, referred to in para 5 of the Plaint. In fact the members of the family lived happily and harmoniously till about August 1935. The Will of late Mr. Muninanjappa whose genuineness and validity is repudiated not by the Plaintiff, but their mother a co-executrix under it, has been attested by 55 her acted upon by her and given effect to by her in more ways than one. In her capacity as co-executrix she obtained possession of the safe, the books of

accounts, valuable securities and jewellery, belonging to the estate of the testator and secreted them to the detriment of the interests of the Plaintiffs and this defendant. The Plaintiffs almost till recently had no differences with this defendant except to the extent that they are being ill-advised and misled by the mother and her interested supporters. It is this act of the mother of the Plaintiffs that led to serious misunderstandings between this defendant and her and when her conduct and intentions were pointed as being contrary to the intention and wishes of the testator and her position and responsibilities as joint executrix, she separated herself taking with her her minor children, the present Plaintiffs, and started repudiating the Will its genuineness and validity.

It is false that this defendant has any possession of family account books, except that some bonds are left behind her when she left. It is a malicious insinuation to say that this defendant is in collusion with the defendants 1 to 6 with intent to deprive the Plaintiffs their interests under the registered mortgage bonds and the allegation to that effect is to secure a pretention for the mother that she is more interested in the welfare of the minor plaintiffs than in this defendant.

The allegations in para 6, 7, 8 and 9 may be true. Only the reference to this defendant that he has not made available the original hypothication deeds with ulterior motives is false. These insinuations as already said are the pernicious attempts of the mother and her advisers to discredit the defendant and pose themselves as better well-wishers of the minors. This defendant was not asked to give the suit mortgage bonds for any contemplated action, nor consulted with thereon.

5. The reasons adduced in para 10 of the Plaint for not having joined this defendant as Plaintiff are false and without basis. This defendant along with Lakshmamma, the mother of the Plaintiff, ought to have been the Plaintiffs in the uit by virtue of his position as an executor. Even otherwise he is the person ntitled to represent the joint-family as its Manager and maintain this action. The beneficiaries under the Will or the minor co-parceners of the Hindu Joint-family, have no preferential rights over the executors and the Manager to represent the estate and maintain legal action. This defendant is prepared to transpose himself as a Plaintiff, either in his capacity as co-executor with the said Lakshmamma, the widow of late Muninanjappa, or as Manager of the Joint Hindu-family consisting of the sons of Muninanjappa and prosecute the suit against the defendants 1 to 6 impleading Lakshmamma as pro forma defendant and obtain a decree in anyone of the said two capacities. There is nothing in the conduct of this defendant adverse to the interests of the Plaintiffs or the widow of late Mr. Muninanjappa except that he is all along carrying out the wishes and intention of the deceased father and husband.

6. The allegations in paras 11, 12, 13, and 14, are admitted to the extent that they do not conflict with the statements made in the foregoing paras of this written statement.

7. The suit as brought is not maintainable.

8. All other allegations contained in the Plaint not expressly admitted herein and contrary to this written statement are denied.

9. Therefore he prays that this Honourable Court may be pleased to pass a decree in favour of this defendant either in his capacity as executor of the said Will of late Mr. Muninanjappa or as Manager of the Joint-family of his sons, directing the defendants 1 to 6 to comply with the requirements in para 15 of the Plaint.

(Sd.) H. S. NARASIAL,
Counsel for the 7th Defendant.

(Sd.) K. M. NARAYANA REDDY,
7th Defendant.

I, K. M. Narayana Reddy, the 7th Defendant, abovenamed do hereby declare that what is stated from para 1 to 8 is true to the best of my knowledge, belief and information.

BANGALORE CITY.
Dated 20th June 1938.

7th Defendant.

Exhibit D16.

Plaintiff's reply to written Statement of Defendants 1 to 4.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O. S. No. 28 OF 38-39.

Plaintiffs. *Defendants.*

K. M. Kodandarama Reddy and others. *Vs.* L. Ramaswamy Reddy and others.

1. The basis of the suit being the registered mortgage deed dated 8th May 1930 filed with the Plaint, executed by defendants Nos. 1 to 6 in favour of the deceased father of plaintiffs and defendant No. 7 the suit as it is brought is maintainable and the defendants plea of the non-maintainablity of the suit is without substance.

2. The plea that Plaintiffs father died executing any Will is false. Defendants have collusively put forward the false plea of Will to complete the court proceedings. Assuming that defendant No. 7 and Plaintiffs' mother Lakshmamma are executors as alleged by defendants the said persons are already on record and the suit as it is laid is in no manner defective. The plea of discharge advanced by defendants is further opposed to the express directions laid down therefore in the suit document.

3. The allegations in para 3 of the written Statement are false. The account books maintained by late Munindanjappa are with defendant No. 7 and not with Plaintiffs. The discharge of the suit debt to the extent of Rs. 17,535 pleaded by defendant is false. Defendants have not purposely given specific details of payments pleaded. The dates of alleged payments, the persons who made the payments and those to whom the payments are alleged to have been made, whether any vouchers have been obtained for the alleged payments and other such particulars have necessarily to be stated by defendants, if the plea of discharge is to be entertained in law for Judicial Determination. The defendants have further to state how they propose that the alleged payments should be appropriated either towards the suit debt or any other debt.

4. Plaintiffs are not in law bound to recognise the alleged payment of Rs. 1,750 by defendants Nos. 1 to 4 to defendant No. 17 even if in fact the payment is true. After the death of Munindanjappa, defendants have been notified repeatedly both orally and in writing that no payments made to defendant No. 7 would be recognised. The plea of payment of Rs. 1,750 is exclusively a matter that concerns the defendants amongst themselves and not these Plaintiffs.

5. The other pleas raised in the written statement are all empty ones. No exception could be taken to the rate of interest or the amount of interest claimed in suit. Defendants' written statements are all vague and are of such a nature as is calculated to protract needlessly court litigation.

6. Regard being had to the unrighteous conduct of the defendants, they do not become entitled to any indulgence at the hands of this Hon'ble Court. Defendants pleas opposed to Plaint and this reply are not true and tenable.

Reply to the written Statement of Defendants 5 to 6.

7. The suit document had been executed by defendant Nos. 5 and 6 through their brother and joint-family manager defendant No. 1 and also by their mother Papamma, acting as guardian for and on behalf of defendants 5 and 6. These defendants denial of the execution of the suit document cannot be accepted.

8. Defendants 1 to 6 are members of a joint Hindu family. The adult members of the family defendants 1 to 4. At the time of the execution of the suit document admit the execution and the receipt of consideration for the suit document. As such none of the pleas put forward by defendants 5 and 6 for the decree not being passed in terms of the plaint is tenable in law or equity. The suit amount was borrowed for family necessity and also for the discharge of debts contracted by the deceased father of defendant Nos. 1 to 6. The suit debt is binding on these defendants. There is nothing in law to preclude Plaintiffs from claiming the relief prayed for in the Plaint. Defendants' objections to the grant of a decree prayed for in the Plaint are not in consonance with real facts.

Reply to the written Statement of Defendant No. 7.

9. Plaintiffs do not recognise defendant No. 7 as the manager of their family. The claim of defendant No. 7 is opposed to facts admitted by him and hardly recognisable in law.

10. The insinuating allegations made in paras 1, 3, 4 and 5 of defendant 7's written statement are baseless and irrelevant for the determination of the other defendants' liability on the suit document, especially in the face of O. S. 11 of 37-38 awaiting decision in this Hon'ble court. Defendant No. 7 is in the custody of all family properties, documents and books of account relating thereto. The allegations to the contrary are all false.

11. The only relevant plea raised in para 2 of the written statement is framed in very vague language. Under the peculiar circumstances Plaintiffs have reasons to believe that the defendants have concocted false documents. In receiving Rs. 1,750 as alleged by defendant No. 7, defendants have acted on their own responsibility. Plaintiffs' rights in the suit document do not in the least get affected to their prejudice. The dates of the receipts of Rs. 1,750 are not given; the manner of the appropriation of the amount is not alluded to even in remote terms. The defendants have been obviously acting in fraudulent collusion to deprive Plaintiffs of what is justly due on the suit document. It is necessary in the interest of Justice and to determine the exact points involved in the controversy that defendants are directed to give particulars regarding the pleas of discharge pleaded by them. Plaintiffs deny every allegation in the defendants' written statements that is opposed to the suit claim as set out in the Plaint and this reply statement.

12. Plaintiffs beg leave to pray for the appointment of Receiver to take charge of mortgaged properties by a separate petition.

Wherefore Plaintiffs pray that the suit be decreed with costs.

Bangalore City,
30th June 1939.

(Sd.) K. M. Kodandarama Reddy.

(Sd.) M. Krishna Murthy,
Advocate for the Plaintiff.

Plaintiff's.
Left Thumb Mark of Mrs. Srimathi Lakshmamma, Guardian of minors.

Verification.

I, Kodandarama Reddy, first Plaintiff abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

Bangalore City,
30th June 1939.

(Sd.) K. M. Kodandarama Reddy,
First Plaintiff

Exhibit D17.

Mr. S. K. Venkataranga Iyengar, B.A., LL.B.,
Advocate, Bangalore City.

One letter with a copy of Will dated 5th January 1935 executed by late Muninanjappa.

To

M. R. Ry. *Rao Sahib* C. N. Suryaprakash Avl., B.A., B.L.,
Advocate, C. & M. Station, Bangalore.

Exhibit D17 (a)

(Intd.) E. A.

(Intd.) A. S. R.,
Second Additional Sessions Judge,
18-7-40.

Exhibit D18.

ACKNOWLEDGMENT.

To be returned to office of posting for delivery.
To sender.
Received a register.....No..... 5
Address to (name) Narayana Reddy, Esq., Contractor,
Cambridge Road, C. & M. Station, Bangalore.
Insured for Rs.....
Weighing—(in words.)..... ...
Signature of Addressee.—(Sd.) K. M. Narayana Reddy. 10
Date of delivery—25th September 1935.

Sender's name—Mr. S. K. Venkataranga Iyengar, B.A., LL.B.,
Advocate, Bangalore City.

Exhibit D19. 15

146/164. Bangalore Bank, Ltd.,
Bangalore, dated 8th January 1935.

All letters to be addressed and remittances made payable to the "Bangalore ık, Limited."

Produced by Mr. M. P. S. 20
Proved by P. W. 1.
O. S. No. 11 of 37-38.
Exhibit C.
(Intd.) G. P.,
D. J., 24-6-39. 25

Mr. K. Muninanjappa,
Cambridge Road, Bangalore.

ar Sir,

Ref.: Your three letters of the 6th instant.

We beg to advice having transferred the balances standing in your Current 30
l Savings Bank Accounts to the credit of Mr. K. M. Narayana Reddy's current
ounts as follows :—

		Rs.	a.	p.
From Current Account	....	2,689	12	8
From Savings Bank Account No. 251	....	5,151	2	0
From Savings Bank Account No. 229	....	9,977	13	10
Total	....	17,818	12	6

35

Yours faithfully, 40
(Sd.) Not clear,
Agent.

Exhibit D20.

No. 147—165. Bangalore Bank, Ltd.,
Bangalore, dated 8th January 1935. 45

All letters to be addressed and remittances made payable to the "Bangalore Bank, Limited."

Produced by Mr. M. P. S.
Proved by P. W. 1.
O. S. No. 11 of 37-38. 50
Exhibit C1.
(Intd.) G. P.,
D. J., 24-6-39.

Dear Sir,

I beg to advise that your current account has been credited with the following amount :—

Rs. 17,818-12-6 being the amount transferred from Mr. K. Muninanjappa's Current and Savings Bank Accounts.

From Current Account	....	....	2,689 12 8
From Savings Bank Account	....	....	9,977 13 10
From Savings Bank Account	....	....	5,151 2 0
	Total	....	17,818 12 6

Yours faithfully,
(Sd.) Not clear,
Agent.

Exhibit D21.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

Present:—P. Medappa, Esq., B.A., B.L.,
District Judge.

Original Suit No. 22 *of* 1934.

C. M. P. No. 64 *of* 1935.

Petitioners:—T. D. M. Fernandez and another.

Cr. Petitioner:—K. M. Narayana Reddy.

Read petition dated 14th February 1935 under Order 22, Rule 4 of the C. P. Code made by the petitioner abovenamed praying for permission that the Cr. Petitioner K. M. Narayana Reddy and Mrs. Lakshmamma widow of the deceased K. Muninanjappa be brought on record as the legal representatives of the 1st Defendant K. Muninanjappa since deceased in the above suit.

ORDER.

Mrs. Lakshmamma served personally. Consents. Implead.

(Intd.) P. M.,
District Judge,
6-4-35.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

Present:—P. Medappa, Esq., B.A., B.L.,
District Judge.

C. M P. No. 115 *of* 1935.

O. S. No. 22 *of* 1934.

Petitioners:—T. D. M. Fernandez and another.

Cr. Petitioners:—K. M. Narayana Reddy and another.

Read petition dated 11th March 1935 under Section 151 and 153 of the C. P. Code by the petitioners abovenamed praying for permission to bring Mrs. Lakshmamma, widow of the deceased Muninanjappa as his legal representative in addition to K. M. Narayana Reddy the second Defendant and also for permission to amend his petition accordingly.

ORDEF

Amendment allowed.

(Id.) P. M.,
District Judge,
12-3-35.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

Present :—P. Medappa, Esq., B.A. B.L.,
District Judge.

Original Suit No. 22 *of* 1934.
C. M. P. No. 64 *of* 1935.

Petitioners :—T. D. M. Fernandez and another.
Cr. Petitioner :—K. M. Narayana Reddy.

Read petition dated 14th February 1935 under Order 22, Rule 4 of the C. P. Code by the Petitioner abovenamed praying for permission that the Cr. Petitioner K. M. Narayana Reddy and Mrs. Lakshmamma, widow of the deceased K. Muninanjappa, be brought on record as the legal representatives of the 1st Defendant K. Muninanjappa since deceased, in the above suit.

ORDER.

Notice to Mrs. Lakshmamma for 6th April 1935.

(Intd.) P. M.,
District Judge,
21-3-35.

Exhibit D22.

C. M. P. 64 *of* 1935.
O. S. 22 *of* 1934.

Mrs. Lakshmamma served personally. " Consents, Implead ".

Id.) P. M.,
6-4-35

Exhibit D23.

IN THE COURT OF THE DISTRICT JUDGE, CIVIL AND MILITARY STATION, BANGALORE.

Original Suit No. 22 of 1934.

Plaintiffs :—1. T. D. M. Fernandez, 2. Mrs. A. Fernandez, residing at 4, Convent Road, Bangalore.

Vs.

Defendants :—1. K. Muninanjappa, since deceased by legal representatives, 2. K. M. Narayana Reddy, residing at Ulsoor, Bangalore, 2nd defendant in this suit, 3. Mrs. Lakshmamma (*vide* orders in Cmp. 64 and 115 of 1935.)

Suit for a decree directing the defendants to deliver possession of the suit property to the plaintiffs, for a permanent injunction restraining the defendants from interfering with the plaintiff's possession, for Rs. 90 past damages for the defendants wrongful conduct and for future damages at Rs. 10 per diem.

This suit coming on this day for final disposal before P. Medappa, Esq., B.A., B.L., Judge of this Court in the presence of Mr. J. L. D. Silva, Advocate for the plaintiff and of Messrs. F. M. Xavier and S. K. Venkataranga Iyengar, Advocates for the defendants.

It is ordered and decreed that the defendants do deliver possession of the building described in schedule given hereunder to the plaintiffs.

It is further ordered and decreed that the defendants are permanently restrained from interfering with the plaintiff's possession of the said building.

It is also further ordered and decreed that the second defendant personally and the second defendant and third defendant out of the assets of the 1st defendant, in their hands do pay to the plaintiffs the sum of Rs. 1,935-5-6 (Rupees one thousand nine hundred and thirty-five and annas five and pies six) being the costs incurred by the plaintiffs in this suit.

Given under my hand and the seal of the Court, this 28th day of February 1936.

(Sd.) P. MEDAPPA,
District Judge.

COSTS OF SUIT.

Plaintiffs.		Rs.	a.	p.	*Defendants.*		Rs.	a.	p.
Stamp for plaint	....	1,322	8	0	Stamp for power	....	2	0	0
Power	....	1	0	0	Stamp for petition	....	....		
Exhibits	....		....		Pleader's fee	....	600	13	6
Pleader's fee	....	600	13	6					
Stamp for C. M. P.'s	....	1	8	0					
Service of process	....	9	8	0					
Total	....	1,935	5	6			602	13	6

Examined.
(Id.) Not clear.
30/5.

(Id.) P. M.,
District Judge.

Exhibit D24.

16th February 1940.

Mokshagundam Krishna Murthi, B.A., LL.B.,
Advocate, Cottonpet, Bangalore City.

The Manager,
The Bank of Mysore, Ltd,
Bangalore City.

8800.

Dear Sir,

Re: Your Ref.: L. 54—17871, dated 9th February 1940.

While thanking you for the letter under consideration, I wish to inform you that for a month or two, there will not probably be any occasion for me to overdraw from the Bank. Even if I should issue cheques beyond the amount allowed prior to my giving securities, you will please allow my cheques to be cashed. I will be ready to adjust my accounts with you to your satisfaction as you may desire. In the second week of March 1940, I will send you one of my Insurance Policies for the overdraft allowed.

Yours faithfully,
(Sd.) M. Krishna Murthi.

Exhibit D25.

22nd February 1940.

M. Krishna Murthi, Esq.,
Advocate, Cottonpet, Bangalore City.

Dear Sir,

In reference to your letter of the 16th instant, we are agreeable to continue the overdraft of Rs. 2,000 in your account till the end of June 1940.

Enhancement of the overdraft limit will have our consideration on receipt of the Insurance Policy from you next month.

Your faithfully,
(Intd.) T. M. S.,
Manager.

Exhibit D26.

Order dated 22nd August 1939 passed in Miscellaneous Case No. 191 of 1938-39 on the file of the District Judge, Bangalore.

ORDER.

1. This is an application under Section 12 of the Mysore Legal Practitioners Act.

2. The petitioner stated that in the interests of pure administration of justice and to safeguard against the abuse of court process it is essential that suitable proceedings should be taken against the opponent under the Legal Practitioners Act and to issue a notice to show cause why the opponent should not be dealt with for professio[illegible]

3. The opponent Mr. S. K. Venkataranga Iyengar is an Advocate, practising in this court. In Miscellaneous Case No. 67 of 1935-36 on the file of this court, he filed an application on 16th November 1935 on behalf of one K. M. Narayana Reddy for the grant of a guardianship certificate under the Will of one late Mr. Muninanjappa. The petitioner Lakshmamma in the present case, was the opponent in that case. In that case the opponent who appeared for Narayanareddy is said to have noted in the application that the deceased left a Will, a true copy of which was filed under which he appointed the petitioner and his wife Lakshmamma aforesaid as joint executors and guardians of the person and properties of the minors. The said Lakshmamma has now filed petition alleging that though as a matter of fact no copy of the Will was filed along with the petition, the opponent wilfully and falsely represented that such a copy had been filed with ulterior motive and obtained exparte orders much to her prejudice. Petitioner further states that according to the opponent himself, he was the custodian of the Will and he is one of the alleged trustees entitled to the possession of Rs. 30,000 belonging to the estate of the Testator and that after a number of repeated representations to the court by the present petitioner, the opponent put the original Will into court on 4th March 1937. According to the petitioner, the alleged Will is a spurious document got up by the said Narayana Reddy with the active assistance of the present opponent and that though the opponent had full knowledge of the alleged Will being in his custody and of the repudiation thereof by the present petitioner and of the necessity of his entering into the witness-box as a witness, he still filed the petition in Miscellaneous Case No. 67 of 1935-36 making a false recital regarding the production of the copy of the Will. By so doing, the opponent is said to have practised deceit on the court, unbecoming a practising Advocate and that his conduct deserved serious notice to be taken of by this court.

4. The opponent opposes the application and states that it is true that a copy of the Will was not filed along with the petition but this was due to an inadvertence and that the allegations against him are maliciously false to the knowledge of the present petitioner and that he had the copy of the Will ready and that by sheer oversight it was not filed in court and that when the opponent came to know of this omission he filed the copy along with his reply on 25th March 1936 and that he had already furnished to the present petitioner a copy of the Will on 24 September 1935 and that the petitioner was aware of the contents of the Will. He also states that the mandatory provisions of law have not been complied with inasmuch as no charge has been drawn up setting forth the grounds of action and no preliminary enquiry has been held to justify the framing of charge or issue of notice and that the issue of the present notice without the previous observance of these safeguards has created unnecessary and uncalled for sensation and has embarrassed the opponent in his defence as intended by the petitioner. He therefore states that both in law and on facts the proceedings are liable to be quashed *in-limine.*

5. I have first to consider the preliminary objection taken by the opponent as to whether the provisions of law have been complied with in this case while issuing a notice to the opponent. The petitioner filed the present application on 5th April 1939. On 8th April 1939, the court ordered the issue of notice to the opponent by 12th June 1939 and the opponent was served in person and he has filed the above objections. The application purports to be one under Section 12 of the Legal Practitioners Act. This section relates to the inquiry into proper conduct of Legal Practitioners. Under Section 12 of the Act the following conditions are essential for taking action: —

(i) A Judge of any court subordinate to the High Court should be of opinion that there are grounds for proceeding under the provisions of Section 11 against Legal Practitioner,

(ii) Such a Legal Practitioner should be practising before such a court,

(iii) If the Judge should be of opinion that there are grounds for proceeding further a formal charge should be drawn up setting forth concisely the said grounds,

(iv) A copy of such a charge should be sent to the Legal Practitioner, and

(v) A notice should be issued to such a Legal Practitioner stating that on a day therein appointed such a charge will be taken into consideration.

One of the grounds under Section 11 under which action could be taken under Section 12 of the Act is with regard to fraudulent or grossly improper conduct of a Legal Practitioner in the discharge of his professional duty. Apparently the action against the opponent is brought under Clause (b) of Section 11. In order to form an opinion as to where there are grounds for proceeding under the provisions of Section 11, the Judge has to hold some enquiry to satisfy himself as to the necessity for further action. No such enquiry has been held in this case. The next requisite about the framing of a formal charge has also not been complied with and consequently the copy of the charge and the required notice have also not been sent to the opponent. A notice in the general form has been issued to the opponent to show cause why the petitioner should not be allowed to file such a petion. This is not at all contemplated under the Legal Practitioners Act. Since the mandatory provisions of Section 12 have not been complied with, the proceedings taken hitherto should be considered irregular. The opponent is not in a position to know what the charge against him is and whether the court has satisfied that prima-facie there is such a charge against him. There is no doubt that the omission to frame a charge has seriously prejudised the opponent in putting forth his case before the court and the court itself has not been satisfied before issue of notice to the opponent as to whether there are any grounds for proceeding further. The learned Advocate for the petitioner contends that the omission to frame a charge has not prejudiced the opponent and that he has been benefited on the other hand by the issue of this notice and this is only a mere irregularity and the proceedings till now taken cannot be quashed. I cannot agree with him. In view of the omission to conform to the mandatory provisions of Section 12 of the said Act, I cannot say that the notice issued to the opponent is a valid one. The proceedings taken against him till now are liable to be set aside. It was the imperative duty of the petitioner to see that the provisions of Section 12 were complied with before notice was served on the opponent. In view of the consideration of the preliminary objection, I do not think it necessary to go through the other allegations now made in the petition or the other objections raised in the opponent's objection statement.

6. I therefore direct that the proceedings taken till now be dropped. The opponent contended that the application itself should be dismissed. I do not think it is necessary to do so. I direct the petitioner to satisfy the court that there are further grounds for proceeding under the provisions of Section 11 before taking any action against the opponent. The opponent need not appear unless so ordered by the court in accordance with the provisions of Section 12 of the Act. In view of the peculiar circumstances of the case, I make no order as to costs of the opponent.

Dictated to the Steno-Typist and pronounced in open court.

(Sd.) A. SUNDARARAJA RAO,
Additional District Judge,
22-8-39.

Exhibit D27.

Order dated 6-3-1940 passed in Miscellaneous Case No. 191 of 1938-39 on the file of the District Judge, Bangalore.

ORDER.

This is an application under Section 12 of the Legal Practitioners Act that action should be taken against the opponent, who is an Advocate, for professional misconduct. He filed an application in Miscellaneous Case No. 67—35-36 on the file of this court on 16-11-1935 on behalf of one Narayana Reddy for being appointed guardian of the person and properties of his minor brothers and sisters. The mother of Narayana Reddy was made the opponent in the case. It was alleged in the petition that their father had left a Will appointing his wife and his eldest son (Narayana Reddy) as executors and that a true copy of it was filed with the petition. As a matter of fact the copy of the Will was not filed along with the petition. It appears to have been filed in court on 25-3-36 after the opponent in the case brought the omission to the notice of the court. The original Will was produced by the opponent to court on 4-3-1937.

2. The opponent in Mis. 67 of 35-36 filed the present application alleging that the Will was a spurious document got up by Narayana Reddy with the active assistance of the present opponent, that a false recital was made in Mis. Petition No. 67—35-36 that a copy of the Will had been produced to court, that the opponent practised fraud on court and obtained certain orders to the disadvantage of the opponent in that case.

3. Notice was issued to the opponent but he took objection that proper proceedings had not been taken before the issue of notice to him. This court upheld his contention and passed an order on 22-8-39 directing the petitioner to satisfy the court that there were grounds of proceedings against the opponent.

4. The petitioner's advocate stated on 11-10-1939 that he had no other evidence to adduce except exhibiting the records in Mis. Case No. 67—35-36. After the receipt of the records of that Miscellaneous case from the High Court I heard arguments.

5. I am of opinion that there are not sufficient reasons at present to frame a charge against the opponent and to issue notice to him calling upon him to answer the charge. I have gone through the records of the Miscellaneous Case. I do not find sufficient materials on record to frame a charge against the opponent. The genuineness of the Will is still being enquired into in other proceedings. Till that point is finally decided it cannot be said that the Will is not genuine. The allegation made in the Miscellaneous Petition No. 67—35-36 that a copy of the Will had been produced to court was not correct. The copy of the Will was not actually produced to court with that petition. I cannot say that the omission was wilful. It may be that the omission was due to inadvertance.

6. I am therefore or opinion that there are not at present sufficient materials to frame a charge against the opponent and to call upon him to answer the charge. The proceedings are dropped for the present and the petition is dismissed. The petitioner's advocate contended that the petitioner may be permitted to restart the proceedings after decision is given about the genuineness of the Will. I think there is no objection to restart the proceedings when the petitioner is in possession of sufficient materials to satisfy the court that proceedings can be started against the opponent.

Dictated to the Stenographer and pronounced in open court.

(Sd.) H. NANJUNDIAH,
Additional District Judge.
6-3-40

Exhibit D28.

Sale deed, dated 30th September, 1928 in respect of lands executed in favour of (1) Nagappa, son of Dyavesandra Chikkanna, residing at Domlur village of Civil and Military Station, Bangalore, (2) his younger brother Voggiah and (3) Chikka Gowdappa, son of Gowdappanavara Kempiah, residing at the above said village, by me Contractor K. Muninanjappa, son of Kannalli Venkatappa, residing at Jougupalyam, Ulsoor, Civil and Military Station is as follows :—

The boundaries of the lands which I purchased from Dodda Gowdappa and others and that are in my possession and enjoyment and which are situated near the said Domlur village are as follows :—

East :—The house of Kuntappa ;
West :—The above said Nagappa's land ;
North :—Yeligi Muniswami's land ;
South :—Chikka Gowdappa's land.

(1) The Sooluhallada dry land bearing Survey No. 79, measuring about 10 guntas, assessed at Re. 0-5-6 with the Mangalore tile roofed house built on the said land, within the abovesaid boundaries.

(2) Dry land Survey No. 56 extent about 14 guntas, assessment Rs. 0-9-7 with our half share in the stone revetted well which is in the said land is bounded on the

East :—By land of Maistry Pillappa ;
West :—By the above said Nagappa's land.
North :—By Maistry Siddappa's land ;
South :—By the big "halla."

(3) The wet land by name "Modaku Gadde" attached to the said village S. No. 62 measuring about 7 guntas assessed at Re. 0-12-6 is bounded on the—

East :—By Gutter ;
West :—By the land of Muniswami ;
5 North :—By the Inamthi land of the Neeraganti ;
South :—By the abovesaid Chikka Gowdappa's land.

I have sold to you to-day the abovementioned three lands for Rs. 450 and I have received from you the said consideration amount in full and have put you in possession of the lands. Hereafter you and not I are entitled to the eight kinds of 10 wealth that may be found in the lands. I shall be responsible for getting settled any disputes that may arise regarding the lands from my descendants. To this effect is this sale deed of dry and wet lands executed with my free will and consent.

In the 13th line of this document "ಇದೇ ಗ್ರಾಮಕ್ಕೆ ಸೇರಿದ ಜಮೀನಿಗೆ ಚಕ್ಕುಬಂದಿ" these 15 thirteen letters were left out and hence later included.

(Sd.) K. Muninanjappa.

Witnesses.—
(Sd.) R. Gopalappa.
(Sd.) Pemmiah.

20 Endorsement on the back of the document.

No. 4095, K. Muninanjappa of Ulsoor,
(Sd.) Not clear,
Vendor,
29-9-28.

25 (Sd.) K. Muninanjappa. × Thumb mark } Exhibit D28 (a).

Execution admitted by
(Sd.) K. Muninanjappa. × Thumb mark

Who is identified by W. T. Murugesha Mudaliar, clerk under Mr. C. S. Naidu, residing at Muruga Pillai Street, Bangalore.

30 (Sd.) Not clear.

(Sd.) K. Ramaswami Aiyar,
Sub-Registrar,
2-10-28.

Registered as No. 810 in Book No. I, Vol. 383, pp. 14-15, Fee paid Rs. 3 only.

35 (Sd.) K. Ramaswami Aiyar,
Sub-Registrar,
18-10-28.

Seal of Sub-Registrar,
Civil and Military Station,
40 Bangalore.

Exhibit D29.

Visitors' Book of the Bangalore Central Jail, Bangalore

Exhibit D29 (a).

Signatures of Messrs. M. Wynne and V. V. Naik, D. S. Ps., on 16-3-40 marked 45 in Exhibit D29.

Exhibit D29 (b).

Signatures of Messrs. M. Wynne and V. V. Naik, D. S. Ps., on 19-3-40 marked in Exhibit D29.

Exhibit D29 (c).

50 Signatures of Messrs. M. Wynne and V. V. Naik, D. S. Ps., on 26-3-40 marked in Exhibit D29.

Exhibit D30.

ORDER SHEET.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

ORIGINAL SUIT No. 11 OF 25-26.

Plaintiffs.	*Vs.*	*Defendants.*
1. B. M. Shamanna Gowda, 2. B. M. Chandrasekhara Gowda, minor by next friend the first plaintiff, both by agent Hajee Zackria Sait by general power-of-attorney.		1. C. M. Abdul Sattar Sab, son of Chowkidar Miran Sab, since deceased by legal representatives 1(a) Abida Qatum, 1(b) Salim Qatum and, 2. Land Acquisition Officer.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	16-3-27	Plaintiff by Mr. H. S. Murthy. Defendant by Mr. Venkataranga Iyengar. Plaintiff summoned one witness but not served for want of residence. Steps not taken on serial No. 5. Mr. Narayana Murthy states that on behalf of one Abdul Gaffoor *alias* Babu, he has filed a petition to be made party. For objections to his petition adjourned to 1st April 1927. (Intd.) G. S., *District Judge,* 16-3-27.	
	14-6-27	Plaintiff by Mr. H. S. Murthy. Defendant by Mr. Venkataranga Iyengar. Assignee by Mr. Srikantiah. Raja Babu by Mr. Venkatesha Row for Mr. L. Gowda. For objections to serial No. 5 and to Mr. Srikantiah's petition adjourned to 27th June 1927. (Intd.) G. S., *District Judge,* 14-6-27.	
	30-9-27	Plaintiff. Assignee by Mr. S. Sreekantiah. Defendant by Mr. Venkataranga Iyengar. Assignor. For want of time to-day adjourned to 19th October 1927. (Intd.) G. S., *District Judge,* 30-9-27. Mr. H. Sreenivasa Murthy is present. (Intd.) G. S., *District Judge.*	

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer
	4-10-32	Plaintiff by Mr. S. S. Defendant by Mr. S. K. V. Objections. Mr. S. K. V. says that he has not yet received copies of these compromise proceedings, and so his objections are not ready. Adjourned to 24th October 1932. (Intd.) H. M. K., *District Judge.* 14-10-32.
	24-10-32	Plaintiff absent. Defendant by Mr. S. K. V. Objections not ready. Mr. S. K. V. says he has not yet received copies though he had applied on 20th September 1932 alone. Adjourned to 2nd November 1932. (Intd.) H. M. K., *District Judge,* 24-10-32.
	2-11-32	Plaintiff by Mr. C. S. Defendant by Mr. S. K. V. Objections filed. Reply and arguments 17th November 1932. (Intd.) H. M. K., *District Judge,* 2-11-32.
	16-1-33	Plaintiff by Mr. C. S. Rao for Mr. S. S. Defendant by Mr. S. K. V. Arguments heard. Orders 26th January 1933. (Intd.) H. M. K., *District Judge,* 16-1-33.
	6-3-33	Plaintiff by Mr. S. S. Defendant by Mr. S. K. V. Mr. S. S. wants some more time as the parties are gone out of Bangalore. Adjourned to 10th March 1933. (Intd.) H. M. K., *District Judge,* 6-3-33.
	10-3-33	Plaintiff by Mr. S. S. Defendant by Mr. S. K. V. Mr. S. S. wants time till Monday. 13th March 1933. (Intd.) N. K. S. *District Judge.* 10-3-33.
	31-3-33	Plaintiff (assignor) by Mr. S. S. Defendant Mr. S. K. V. Arguments heard. Order 1st April 1933. (Id.) N. K. S., *District Judge.* 31-3-33.

Serial No.	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	1-4-33	Plaintiff (assignee) by Mr. S. S. Defendant by Mr. S. K. V. Arguments heard at length. Judgment dictated. Judgment pronounced allowing serial Nos. 13 and 14. Plaint will be amended. Posted for evidence 14th June 1933. (Intd.) N. K. S., *District Judge,* 1-4-33.	
		* * *	
	10-7-34	Plaintiff by Mr. S. S. Defendant by Mr. S. K. V. Iyengar. Defendant cited 10 witnesses. Summons not taken by the party. Mr. S. K. V. Iyengar says that the defendant is dead. Mr. S. S. wants an adjournment to file L. R. Application. Adjourned to 27th July 1934. (Intd.) N. K. S., *District Judge.* 10-7-34.	
		"True copy" (Sd.) H. Ramiah, *Head Record Keeper.*	

IN THE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE, BANGALORE.

DATED THE 25TH DAY OF MAY 1940.

Present :—R. P. MALLAPPA, ESQ., B.A., LL.B.,
5 *Special First Class Magistrate, Bangalore.*

CRIMINAL CASE No. 1 OF 39-40.

Complainant :—Government of Mysore.

Versus

10 *Accused* :—1. K. M. Narayana Reddy.
2. Muniga.
3. Rama.
4. Maddura *alias* Muni Maddura.
5. S. K. Venkataranga Iyengar.

15 OFFENCES UNDER SECTIONS 302, 364, 34, 109, 114, 465, 467, 468, 471 AND 474, INDIAN PENAL CODE.

Order of Commitment.

The Police of Bangalore City placed a charge-sheet on 23rd March 1940 before the City Magistrate, Bangalore, under Sections 302, 364, 341, 342, 465 and 201 of the
20 Indian Penal Code against K. M. Narayana Reddy, V. S. Ponnambalam, Muniga, Rama, Maddura *alias* Muni Maddura, and S. K. Venkatarangiengar in this case which is most sensational in the history of Mysore relating to the ghastly and outrageous act of abduction and murder of late Mr. Mokshagundam Krishna Murthi, one of the leading Advocates of the Bangalore Bar, in the heart of Banga-
25 lore City at the National High School Playground at so early an hour as between 7-30 and 8-30 P.M. on the night of 2nd March 1940. As the City Magistrate was cited as a witness in the case, it was transferred to the file of the First Magistrate, Bangalore, on 26th March 1940. As the First Magistrate also was cited as a prosecution witness in the case, it was transferred to this Special Court on
30 6th April 1940 by the District Magistrate, Bangalore District.

2. Out of 177 witnesses cited the prosecution 99 have been examined in this Court and no witnesses have been examined for the defence. One hundered and fourty-four exhibits were filed for the prosecution and 33 for the defence. Thirty-three articles have been marked for the prosecution.

35 3. This being a case in which there were no direct eye witnesses to the occurrence except for a few witnesses who only saw from a distance a motor van similar to one in which late Mr. Mokshagundam Krishna Murthi was abducted, standing on the National High School Playground in darkness and heard from a distance screams of a person in need of help when the Van moved from the Playground
40 towards the Hardinge Road, it was considered desirable by the prosecution to take one of the accused as an approver so that there may be full and true disclosure of the whole of the circumstances within his knowledge relative to the offences of abduction and murder of the deceased. Accordingly V. S. Ponnambalam had been tendered a conditional pardon (Exhibit P37e)) on 1st April 1940 by the District
45 Magistrate, Bangalore District (P. W. 42) on a requisition (Exhibit P37a) by the Bangalore City Superintendent of Police and on recording his (V. S. Ponnambalam's) statements (Exhibit P37c) and (Exhibit P37d). This accused V. S. Ponnambalam was therefore examined as a witness (P. W. 1) in the case and was treated an approver. The proceedings were taken only against the other five
50 accused K. M. Narayana Reddy (A1), Muniga (A2), Rama (A3), Maddura *alias* Muni Maddura (A4), and S. K. Venkataranga Iyengar (A5) in this Court. Of these five accused A2, A3, and A4 are Adikarnatakas working as gardeners under A1 and A5 is an Advocate of the Bangalore Bar and was a lawyer for A1. The approver (P. W. 1) was a motor cleaner and was doing electrical work under A1.

4. The circumstances which led to and the motive for this horrible act of abduction and murder of the deceased are, according to the prosecution, as follows :—

One Mr. K. Muninanjappa who was a contractor and a landlord and resided at 22, Cambridge Road, Ulsoor, Bangalore Civil and Military Station passed away on 8th January 1935 leaving his wife Lakshmamma (P. W. 82) and six sons and three daughters of whom only A1 being the eldest had attained majority at the time being 22 years of age. The other children were all minors and A1 had already married two wives. On 5th January 1935 just three days prior to the date of death of late Mr. K. Muninanjappa when he was seriously ill and unconscious, a document purporting to be his Will was got prepared and his left thumb impressions were got affixed to the document by A5 while A1 was also present at the time. From the testimony of P. W. 82, P. W. 92 and P. W. 88 who are the wife, second son and son-in-law, respectively, of late Mr. K. Muninanjappa, and P. W. 66 and P. W. 67 who are his castemen and relative, it is clear that late Mr. K. Muninanjappa had lost consciousness about a week or 15 days prior to the date of death. This is corroborated by P. W. 60 who is the writer of the document at the dictation of A5 and states that in his opinon late Mr. K. Muninanjappa was unconscious and was not in a position to sit up when his thumb impressions were taken to the document, though he with a pale and blank look was starting at all those who stood by his bed side at that time. This forged document (Exhibit P29) is the cause for all the subsequent troubles, misunderstandings and civil litigations between A1 and his mother Lakshmamma (P. W. 82), and in a way to the fatal and horrible end of the deceased. Under the terms of the said Will (Exhibit P29) A1 and P. W. 82 were to be jointly executor and executrix and guardians for the minor children of late Mr. K. Muninanjappa and in respect of a sum of Rs. 30,000 invested in Government of India Treasury bonds (Exhibit P112) A1, A5 and one M. Venkatasamappa were appointed trustees with absolute power to carry out certain charities such as establishing a charity house in the compound of 22, Cambridge Road, conducting of Harikatha and Kalakshepa on righteous topics on Saturdays, feeding the poor annually on the day of Sriramanavami, feeding a number of Sadhus not exceeding five in a number every day and creating a shelter and feeding house to poor students of Hindu Community. There were certain directions in the Will for the distribution of properties both moveable and immovable worth over two lakhs of rupees among the minor children and transfer of certain amounts in the Bangalore Bank in favour of A1. A sum of Rs. 85,000 had been invested in the Mysore Bank at Bangalore in fixed deposits by late Mr. K. Muninanjappa through his son-in-law (P. W. 88) on 5th November 1934, Rs. 10,000 each in favour of his wife and five minor sons and Rs. 15,000 in favour of his minor daughter Sharadamma and Rs. 5,000 each in favour of the other two minor daughters Komalamma and Meenakshamma. These fixed deposit receipts (Exhibit P46 to Exhibit P53) except in the case of one (Exhibit P54) in favour of Lakshmamma (P. W. 82) were issued on 5th November 1934 in the name of the respective minor children by guardians K. Muninanjappa and his wife Lakshmamma payable to either or survivor. No amount was deposited in favour of A1 in the Mysore Bank, the reason being that he had come to an age when he could earn for himself as testified to by P. W. 82. It was one of the terms of the Will that Lakshmamma (P. W. 82) should have absolute control over only a sum of rupees two thousand out of ten thousand deposited in her name in the Mysore Bank though she was at liberty to draw interest on the full amount during her life time. A few days before the death of late Mr. K. Muninanjappa A1 got the Government of India Treasury bonds (Exhibit P112) from P. W. 82 in whose custody they were under the pretext of drawing interest and on 6th January 1935 he got them transferred to his name by getting the left thumb impressions of his late father on the back of the bonds before the Honorary Bench Magistrate of Civil and Military Station. This was next day after the Will was executed. On 13th March 1935 he endorsed the bonds in favour of the three trustees for carrying out charities mentioned in the Will of whom he himself was one. All this was done without the knowledge of P. W. 82 and the bonds were returned to her sometime later on her persistently demanding their return back to her. About a month and a half after the death of her husband P. W. 82 was made aware by A1 of the existence of a Will (Exhibit P29) purported to have been left by her husband, when she questioned A1 why she was mixing frequently with

M. Venkatasamappa and A5 in her house. She had suspicion about A5's visit to her house as her husband had cautioned her that A5 appeared to be "ತಾಯಿಗಂಡಲು ಉಂಡಟ ಉಂಡಾಡು". She was shocked to hear of the existence of a Will of which she had no knowledge. She asked A1 to produce the Will but on being informed that it was with A5 who was the custodian under the terms of the Will, she went to A5 and asked him to produce the Will and read it out but he evaded producing it under the pretext that his wife had taken away the key of the iron safe to Chikmagalur in which the Will was kept. Even when she went to him 7 or 8 days later he avoided reading the Will though he was holding in his hand at that time something resembling a cover. In the meantime A1 began to behave impertinently towards his mother (P. W. 82) and demanded the fixed deposit receipts and other papers which were in her custody as she was managing the whole family affairs. Misunderstandigns arose between them with the result that she had to shift to some other house in Ulsoor after depositing fixed deposit receipts and Government bonds in the Mysore Bank. A1 refused to send rents of houses to her to meet the family expenses of herself and her minor children whom she had taken with her. This was the stage at which the Civil litigation started between them.

5. On 28th May 1935 A1 issued a registered notice (Exhibit P57) to the Mysore Bank intimating the death of his father on 8th January 1935 and instructing the Bank not to pay the fixed deposit amounts or any interest to his mother (P. W. 82) as he was the senior male member of the family and his late father had left a Will. A reply dated 2nd June 1935 (Exhibit P56) was sent to him by P. W. 59 who was then the legal adviser to the Mysore Bank, that in view of Rs. 10,000 standing in the personal name of P. W. 82 and the remaining Rs. 75,000 in the names of various minors by their guardians Mr. K. Muninanjappa (deceased) and P. W. 82 repayable to either or survivor no instructions from anyone else could be acted upon without orders of a competent court. The fixed deposit receipts for Rs. 85,000 became matured on 5th November 1935. On the same date Accused 5 who was the lawyer for Accused 1 addressed the Mysore Bank (Exhibit P62) to withhold payment of fixed deposit amounts, as Accused 1 intended to take probate proceedings in respect of the Will left by his deceased father. Prosecution witness 59 sent a reply to this letter on 11th November 1935 (Exhibit P59) similar to one sent to Accused 1 on 2nd June 1935 that the Bank could not withhold payment without orders from a competent court. Accused 5 trying to influence P. W. 59 in the course of a discussion just before or after the issue of Exhibit P59 was of no avail. In the meantime Lakshmamma (P. W. 82) had approached Mr. Suryaprakash, Advocate in Civil and Military Station, Bangalore, and father-in-law of P. W. 58 who worked as junior in his office until his death in September 1935. Mr. Suryaprakash on behalf of P. W. 82 issued several notices to Accused 1 (Exhibit P89, Exhibit P90, Exhibit P91 and Exhibit P92) for the production of a copy of the Will and in connection with family properties being interfered with by Accused 1 and a notice dated 17th July 1935 (Exhibit P87) was also issued to Accused 5 to produce a copy of the Will. Neither Accused 1 nor Accused 5 produced a copy of the Will to Mr. Suryaprakash. A5 in the course of a talk with Mr. Suryaprakash in the District Court in C. & M. Station stated that he could not send a copy of the Will as it was a lengthy one to be copied as deposed to by P. W. 58. Some efforts were made to effect a mutual settlement by Mr. Suryaprakash. Though P. W. 82 came to the appointed place with the fixed deposit receipts (Exhibit P46 to Exhibit P54) Accused 1 and Accused 5 did not turn up as promised with the original Will. No mutual settlement could thus be effected. In the meantime Accused 1 had filed through Accused 5 an application (Exhibit P32) under section 11 of the Mysore Guardian and Wards Act in the District Court, Bangalore City, in Mis. No. 67 of 35-36 on 16th November 1935 praying that he might be appointed the guardian of the properties of the minors, and another application (Exhibit D4) on the same date praying for an interlocutory order directing the Mysore Bank not to pay the fixed deposit amounts in the names of P. W. 82 and her minor children. A prohibitory order (Exhibit P55 was issued to the Mysore Bank on the same day which was received in the Mysore Bank on 18th November 1935. The Bank refused to make payment thereon to P. W. 82 when a demand was made by her. A copy of the Will which was mentioned in paragraph 7 of the application (Exhibit P32) as having been filed was not actually filed on that date. In view of the proceedings having begun in

Bangalore City Court Mr. Surya Prakash engaged late Mr. Mokshagundum Krishna Murthy for P. W. 82 to appear for her in cases pending in the District Court, Bangalore City. Thereafter, Mr. Mokshagundam Krishna Murthy took personal interest and appeared for P. W. 82 in all the proceedings against her not only in the Courts in Bangalore City but also in the District Court, Civil and Military Station, Bangalore. It is only after the filing of an affidavit, Exhibit D7 (*a*), by P. W. 82 along with her application (Exhibit D7), dated 19th March 1936, pointing out that a copy of the Will was not produced to the Court and that an *ex-parte* prohibitory order to the Mysore Bank was passed without a copy of the Will, Accused 1 along with his objection petition (Exhibit D5), dated 25th March 1936, filed a copy of the Will (Exhibit D6). For nearly one year, two months and twenty days copy of the Will was never produced either to P. W. 82 or to any Court of Law though from the evidence of P. W. 46 it is seen that A5 sent a copy of the Will to the Mysore Bank along with his letter of 5th November 1935 (Exhibit P62), of which extracts were taken (Exhibit P60) in the Bank though there is no mention in Exhibit P62 of any copy of the Will having been enclosed. In the meantime one of the minors, Sharadamma, attained majority and an application was made by Mr. M. Krishna Murthy for dropping the proceedings against her. Accused 1 contested the application and the case was posted for evidence regarding the age of Sharadamma. Several adjournments were granted and on 4th March 1937, Mr. M. Krishna Murthy brought to the notice of the District Court that even on that day A5 did not produce the original Will of which he was the custodian. On the Court ordering that A5 should produce the original Will before 5 P.M. on that day (Exhibit P30 (a), A5 was obliged to produce the original Will at 5 P.M. on that day. For nearly two years and two months the original Will did not see the light of the day. Accused 5 retired from the case for A1 on 30th March 1937, as he had to appear as a witness, Mr. M. P. Somasekhara Rao taking his place in City Courts and Mr. H. S. Narasiah (P. W. 83) appearing for A1 in the proceedings in Cantonment Courts. Mis. 67 of 1935-36 dragged on till 1st October 1937, on which date A1 left the matter to the Court regarding the age of Sharadamma. The Court passed orders holding that Sharadamma was a major and that the proceedings should be dropped as against her. Thus on 1st October 1937 Sharadamma became entitled to a sum of Rs. 15,000 in fixed deposit in her name in the Mysore Bank. On the same date, *i.e.*, 1st October 1937 Accused 1 filed a declaratory suit O. S. No. 11 of 1937-38 against Sharadamma and Lakshmamma praying for declaration that the sums of Rs. 15,000 and Rs. 10,000 were not the sole properties of the defendants and that they had no power to withdraw the same and A1 also filed an application for temporary injunction order restraining the Mysore Bank from paying the said amounts to the defendants. This temporary injunction order was passed on 2nd October 1937 and it was made absolute on 4th April 1939 in respect of Rs. 8,000 out of Rs. 10,000 in the name of P. W. 82 and of Rs. 15,000 as well as the interest on Rs. 5,000 out of the fixed deposit of Rs. 15,000 that stood in the name of Sharadamma. Accused 1 thereby attained the object which he could not have attained in the miscellaneous proceedings. The main issue involved in the said suit was whether the alleged Will of Muninanjappa dated 5th January 1935 was genuine and whether he executed that Will when he was of sound disposing mind. Three witnesses had been examined in the case and A5 had to be examined as a material witness. It was a delicate position for him as Mr. M. Krishna Murthy was determined to expose the fraud if only A5 stepped into the witness box. It was to his interest to see that his examination was postponed or avoided if possible. On 30th June 1939 an application was filed by Accused 1 (as can be seen in Exhibit P 38) praying that the suit may be stayed on the ground that he had already filed the probate application. On 3rd July 1939 orders were passed staying the suit pending disposal of the probate case Mis. 257 of 1938-39 later on converted into O. S. 10 of 1939-40 which was filed on 30th June 1939. Thus by the filing of this probate application by Accused 1 and praying for the stay of suit O. S. 11 of 1937-38 A5 got a relief as it were from the impending unpleasantness. In the meantime the defendants Lakshmamma and Sharadamma filed C. R. P. 70 of 39-40 (Exhibit P 43) against the order passed on 3rd July 1939 staying the suit O. S. 11 of 1937-38 and Mis. Application 1 of 39-40 (Exhibit P 41) against the order dated 4th April 1939 making the temporary injunction order absolute.

C. R. P. 70 of 39-40 was dismissed with an observation that the probate proceedings should terminate speedily while Mis. App. 1 of 39-40 was allowed with costs in favour of Lakshmamma and Saradamma in December 1939. They became entitled respectively to the sums of Rs. 8,000 (Rs. 2,000 having been already paid by P. W. 82 on 28th September 1938) and Rs. 15,000 and they drew the amounts from the Mysore Bank on 3rd January 1940. Here also A1 was frustrated in keeping the said amounts out of their reach. Mis. 257 of 1938-39 (Probate case) was converted in original suit O. S. 10 of 1939-40 on 25th September 1939 after the objection to the grant of probate was filed by Mr. M. Krishna Murthy for P. W. 82 on 14th August 1939. The issue of this suit also was whether the Will of Mr. K. Muninanjappa was genuine and whether it was made when he was of sound mind. In respect of properties in the limits of Civil and Military Station, A1 filed a probate application in O. P. 47 of 1939 (Exhibit P 18) on 6th July 1939 which was subsequently converted into O. S. 38 of 1939 in which also the genuineness of the Will was in issue. O. S. 10 of 1939-40 in the City Court was posted to 14th February 1940 and O. S. 1938-39 was posted to 13th February 1940 for trial. Accused 5 was a principal witness in both the cases. The suit O. S. 10 of 1939-40 in the City Court was dismissed for default of prosecution as Accused 1 was absent and his counsels retired. The suit in Original Suit No. 1938-39 was adjourned to 14th February 1940 for production of the original Will from the City Courts. On 14th February 1940 at the request of both the parties the case was adjourned to 26th February 1940 for the issue of summons to the City Court for the production of the original Will. On 26th February 1940 as the process was paid late, case was adjourned to 4th March 1940 as a last chance. In the meantime Lakshmamma (P. W. 82) had filed two Miscellaneous Applications one Mis. 188 of 1938-39 (Exhibit P 36) against A1 praying for sanction to prosecute him for making a false statement that a copy of the Will was produced along with application (Exhibit P32) for the issue of prohibitory order to the Bank in Miscellaneous Case No. 67 of 1935-36 and another Miscellaneous Case No. 191 of 1938-39 (Exhibit P 35) against Accused 5 under Section 12 of the Legal Practioners Act for filing an application for prohibitory order with false allegation in Miscellaneous Case No. 67 of 1935-36. The first application was dismissed in January 1940 and arguments of Mr. M. Krishnamurthy were heard in respect of the second application on 1st March 1940 and the case was posted for order to 6th March 1940 as Mr. M. Krishna Murthy represented that the order might be kept pending till the disposal of the probate case O. S. 38/39 in the Cantonment Court which was finally posted for evidence to 4th March 1940. P. W. 39 who is Additional District Judge in Bangalore City and P. W. 30 who is the District Judge, C. & M. Station, Bangalore have given very clear evidence in respect of the several stages, in the suits above referred to which were pending in their courts. O. S. No. 11/37-38 has and Will be disposed of on 25th March 1940, the same having been dismissed.

6. The critical position on 2nd March 1940 which is the date of occurrence, is this. A1 was frustrated in his attempt to prevent Lakshmamma (P. W. 82) and Saradamma from drawing the amounts in fixed deposit in their names in the Mysore Bank. The Probate Case O. S. 10/39-40 in the Additional District Court, Bangalore City was dismissed for default of prosecution. Orders in respect of Mis. 191 of 1938-39 in the City Court against A5 were pending and the probate case in O. S. 38/39 in the District Court, C. & M. Station was peremptorily posted to 4th March 1940. A5 was a meterial witness in this case and no steps had been taken to secure his presence. The original Will (Exhibit P29) had not been sent to this Court though summoned from the Additional District Court, Bangalore City. There was a likelihood of the probate case in the C. & M. Station Court being dismissed, if the original Will was not produced on 4th March 1940 and A5 did not subject himself for examination on that date. A5 knew the legal consequences of his appearing as a witness in the suits in which the genuineness of the Will was in issue, as Mr. M. Krishna Murthi was determined to expose the fraud committed by A5 in respect of the Will. A5 successfully advoided stepping into the witness box by some obstructive tactics suggested to A1, to prolong the cases for whom he was still a consulting lawyer though he did not actually appear for him in his cases. The several proceedings in City Court were taken only to put off the evil day, though they were not necessary in respect of properties in Mysore. It wa-

inevitable that he should appear on 4th March 1940 in the C. & M. Station Court in the probate case which otherwise might have been dismissed. He was cornered so to day and the only way in which he could escape appearing in the witness box. On 4th March 1940 was to see that something was done to Mr. M. Krishna Murthi to prevent his appearance in the Court on that date. He knew that Mr. M. Krishna Murthy was grinding his axe against him in respect of the Will as deposed to by P. W. 33. Mr. M. Krishna Murthy ever since he took up the engagement for Lakshmamma used to appear for her in all her cases and appeals. He had identified too much with his client as pointed out to him by P. W. 30 and P. W. 58. He had gone to the length of lending money to his client as spoken to P. W. 82 and P. W. 92. He had entertained bitter feelings towards A5 and was waiting for an opportunity to expose his fraud in respect of the Will as deposed to by P. W. 33, P. W. 78 and P. W. 84. He was adamant and would not allow any compromise between A1 and his mother though a compromise was suggested by A5 as testified to P. W. 33 and P. W. 82. He cautioned his client (P. W. 82) against danger from A1 and A5 and he himself apprehended danger as he expressed to P. W. 84 on 1st March 1940, a day prior to the date of occurrence, that A1 and A5 had an idea to do away with him, that he would see what they would do, and that he would not leave them go. He had also expressed to P. W. 58 that A5 after he succeeded P. W. 59 as the legal adviser of the Mysore Bank in July 1937 was out to ruin him in banking matters. Though A5 did not openly express any feelings against Mr. M. Krishna Murthy; yet he knew his mind and was conscious that he had become too troublesome for him and that he was bound to expose him if he stepped into the witness box. It was at this momentous juncture when he found himself cornered, A5, conspired with A1 on the afternoon of 2nd March 1940 (as is clear from the confession of A1) to get rid of Mr. M. Krishna Murthy in pursuance of which the atrocious crime was committed on the night of the same date. The circumstances and the motive for the crime are thus clearly brought out by the prosecution in the course of the enquiry.

7. The Approver's evidence as to the manner in which this horrible crime was committed on the night of 2nd March 1940 discloses the following story:— On the morning of 2nd March 1940 at about 8-30 A.M. A1 with P. W. 1 (approver) proceeded in his Talbot car (M. O. 3) to the house of A5 at Gandhinagar. As A5 was not at home, A1 drove to the office of his lawyer Mr. M. P. Somasekara Rao and after spending a few minutes somewhere he drove to the office of A5 in Chikpet, Bangalore City. As A5 was not in his office, he drove to Ananda Bhavan Hotel. As A1 and P. W. 1 were about to get into the hotel, A5 came there in a car. A1 went to speak to A5 while P. W. 1 stood near A1's car. After talking for five minutes A5 told A1 within hearing of P. W. 1 in Telugu "ನೀಕು ಮೀಸಂಲೇದ ಭಯಪಡವದ್ದು ಕೋರ್ಟುದಗರರಾ meaning thereby "Have you no moustache? Don't be afraid, come near the court." Then A1 and P.W. 1 had some lunch in the hotel went to the District Court in Bangalore City. While P.W. 1 remained in the car A1 went in search of A5 inside the court. At about 2 P.M. A1 and P.W. 1 again had some lunch in the hotel near the court premises. A1 again went into the court to meet A5. At about 3 or 4 P.M. one Chikka Veerappa (P. W. 44) gave information to P. W. 1 that the car (M.O. 3) of A1 had been attached and advised him to take the car home. P. W. 1 took the car to A1's house and returned to the court premises at about 4-30 P.M. When A1 came out of the court and asked him for the car, P.W. 1 told him about the attachment as stated by P. W. 44. Then A1 said in Tamil to P.W. 1 "So they have come to disgrace me. What lawyer said has come true. Let what may happen. Why did you take the car being afraid?" A1 and P.W. 1 then went inside the court and A1 looked into the register which was with the Nazar (P.W. 50) and saw that his car had been attached for a sum of Rs. 41-4-0 on account of some court cost. Then both went back to A1's house by bus. A1 then called P.W. 1 and asked him to get two gallons of petrol from the petrol bunk of V. T. Padmanabhan for his car and said that troubles from the lawyer have increased and that something must be done. At 5-30 P.M. P. W. 1 took two gallons of petrol for the car of A1 after signing the indent chit and returned to A1's house. As he was leaving the house for petrol he heard A1 calling A2 who was working in his house and asking him to get A3. After sometime A1 and P.W. 1 left the house in the car (M. O. 3) being driven by A1, picked up Domlur Patel (P.W. 52) on the way who was passing on the road and dropped

him near Domlur village and then proceeded to Misri's house situated in Whitefield Domlur road. After talking with Mr. Misri (P.W. 4) for some time A1 asked him for a loan of his Motor Van (M.O. 4). In the meantime P.W. as directed by A1 had transferred to the Motor Van one double barrel gun, one water-proof over coat (M. O. 2), one rope (M. O. 1) and one petrol can. On Mr. Misri handing over the switch key A1 drove the Motor Van (M. O. 4) leaving his own car (M.O. 3) in the house of Mr. Misri, towards Murgeshapalya where he picked up A4 who was attending to some work near his house. A1 then drove the Motor Van with P.W. 1 and A4 to his house and there he picked up A2 and A3. The latter (A3) brought a rope (M. O. 5) with him which was used by P.W. 1 for rubbing his back while bathing. After A2 and A3 get into the van it was driven by A1 near Webb's Petrol Bunk where one gallon of petrol was taken by A1 for the van on payment of cash. It was then 7-15 P.M. On the way to Webb's Petrol Bunk A1 said to A3 "ಲಾಯರ ಕಾಟತುಂಬಾ ಆಗಿದೆ ಈ ವತ್ತು ತೀರಿಸಿ ಬಿಡಬೇಕು, ಬಂದದ್ದು ಬರಲಿ, ನಮ್ಮ ಲಾಯರು ನೋಡಿಕೊಳ್ಳುತ್ತೇನೆಂದು ಹೇಳಿದ್ದಾರೆ" meaning thereby "Lawyer's troubles are too much. He must be done away with to-day. Let what may happen. My lawyer has said that he would look to it." The van was then driven to Cottonpet where as the van was approaching the office of the deceased Mr. M. Krishna Murthy, A1 asked P. W. 1 to look through the window and see if the deceased was in office. P.W. 1 on looking through the window of the car saw that the deceased was not in his office. On the van proceeding further the deceased was found going on the road near the circle about 150 yards from his office. A1 called A3 and pointed out the deceased to him and told him that the deceased should be bodily thrown into the van at the proper place and at opportune moment. The deceased was then wearing a panche, a turban and a coat and was holding in his hand a walking stick. The van was stopped in a lane in Taragupet and P.W. 1 was asked by A1 to bend the number plate in the front so that the number MYS/A 548 might not be visible. On P. W. 1 doing so the van proceeded and stopped near Sanskrit College on the Hardinge Road. On seeing the deceased coming on the road A1 asked A2, A3, A4 and P.W. 1 to get down from the van and follow the deceased and told them that he would wait in the National High School Playground and that they should watch and at an opportune moment they must bodily lift the deceased and throw him into the van. A2 and A3 followed the deceased at a distance of about 5 feet while A4 and P.W. 1 followed him at a distance of about 25 feet behind. A1 drove the van in advance and stopped it close to the foot-path. When the deceased Krishna Murthy approached the van A1 reversed the van and made an attempt to dash the rear portion of the van against him. The deceased avoided and began to abuse A1 when A2 caught hold of the legs of the deceased and A3 came from behind and caught hold of the chest of the deceased. The latter began to scream calling for help. Then A2, A3 and A4 pushed the deceased forcibly into the van through the trap door at the back which was lying flat, when the van began to move slowly P.W. 1 got into the van and closed the trap door while A2 and A4 held the hands and legs of the deceased firmly and A3 put a rope (M. O. 5) round the neck of the deceased pressing his hand against the mouth of the deceased. Inserting one end of the rope (M. O. 5) through a loop at the other end and putting the rope round the neck of the deceased the other end was pulled tight to cause strangulation. When this was being done the van was driven towards Basavangudi circle and on towards Lal-bagh by Accused 1. P. W. 1 who heard hard breathing of the deceased near Basavangudi circle went to the front seat and sat by the side of Accused 1. The van was driven for some distance in Anekal road and then reversed and taken along the Hosur Road. Accused 1 sent P. W. 1 to find out if anybody had come near his house and on satisfying himself that none had come. He took the van near the 'Bus stop' board at the R. B. A. N. M. High School and got 2 gallons of petrol for the van through P.W. 1 in a petrol can who wrote a separate indent chit as the indent book had been left in Accused 1's car and dated it 3-3-40 as directed by the petrol bunk man. The van was then driven towards Murgeshapalya after the dropping Accused 4 and the body of the deceased was placed in a casuarina tope a few yards from Konena Agrahar asking Accused 2 and Accused 3 to keep watch over the body. Accused 1 then proceeded to Misri's house with P. W. 1 and leaving the van there brought back his car (M. O. 3). P. W. 1 transferred to Accused 1's car double barrel gun, petrol can, overcoat (M. O. 2) and one pair of spectacles, one pair of sandles, one

panchey, one turban and walking stick of the deceased. Accused 1 drove his car to the casuarina tope and got the dead body of the deceased placed in his car and then with P. W. 1, Accused 2 and Accused 3 he drove the car along Dodballapur and Goribidnur Road. At about the 11th mile stone near the Caution Board 'Curve' the car was stopped and the body of the deceased was kept in a casuarina tope as Accused 1 wanted to return to this house early to avoid any suspicion. Then Accused 1 with P. W. 1, Accused 2 and Accused 3 drove back to Bangalore. On the way P. W. 1 threw the articles of the deceased into the Hebbal Tank as directed by Accused 1. On returning to Bangalore Accused 1 asked Accused 2 and Accused 3 to get down in South Parade and told them that he would send a taxi with P. W. 1 and that the body of the deceased might be removed farther off in the taxi. Accused 1 then sent P. W. 1 to bring the taxi driver, Abdul Rahiman (P. W. 12) and engaged his taxi (M. O. 14) and asked P. W. 1 to drive it instead of Abdul Rahiman. Accused 1 then went home in his car paying Rs. 15 to P. W. 1 for hire and petrol charges of the Taxi. P. W. 1 then drove the taxi, picked up Accused 2 and Accused 3 who were going along the South Parade and took four gallons of petrol on payment of cash at the petrol bunk of V. T. Padmanabhan and drove the taxi to the spot where the dead body had been placed. Accused 2, Accused 3 and P. W. 1 put the body into the the taxi and drove towards Makalidurg passing through some railway level crossings and finally the body of the deceased was thrown in a hollow by the road side between Makalidurg railway station and Subbramanya Ghati. Thereupon P. W. 1, Accused 2 and Accused 3 returned to Bangalore passing through Yelahanka railway level crossing and Accused 2 and Accused 3 were sent to Accused 1's house with the overcoat (M. O. 2) and then P. W. 1 handed back the taxi to P. W. 12 and paid him Rs. 7-8-0 and went to Accused 1 and informed him about the removal of the body further away and went to his house in the apple garden of Accused 1 at Appireddipalya at about 5 A.M. After taking a bath he came to Accused 1's house at about 7 A.M. on 3-3-40 and noticed Accused 5 and Accused 1 talking to each other while walking at the rear door of Accused 1's house. When P. W. 1 went to Motor shed and brought the motor pump of Mr. Misri which had been brought over the previous night, Accused 5 left Accused 1's house through the front gate in a car. On Accused 1's asking him to return the pump to Mr. Misri, he went and returned it at about 10-30 A.M. and cautioned Mr. Misri, as directed by Accused 1, not to inform anyone about his lending of van to Accused 1 on the previous night.

8. Though the evidence of an approver who is an accomplice is generally to be taken with caution, this is a case in which the evidence of the approver (P. W. 1) remains unchallenged and without being discredited as there has been no cross-examination to him. When the accused had an opportunity to cross-examine the witness and the opportunity is not availed of, the inference is that the accused thought it would be futile to challenge that testimony as observed in the Mysore High Court Reports, Vol. 39—1934, page 500. The testimony of P. W. 1 corroborates in every particular his confession statement (Exhibit P2) voluntarily made by him before the Ex-officio First Class Magistrate, Bangalore Sub-Division (P. 2-3) on 19-3-40. It is also corroborated in material particulars by the testimony of other prosecution witnesses. P. W. 37 testified to the meeting of Accused 1 and Accused 5 near Ananda Bhavan Hotel in Chikpet on 2nd March 1940. P. W. 70 speaks to his having seen Accused 1 and Accused 5 talking to each other between 1 and 2 P.M. on the same date in the District Court Building, Bangalore City. P.W. 43 deposes to the presence of Accused 1 in the Additional District Court Hall between 1 and 2 P.M. on 2nd March 1940 when Accused 5 was arguing in Mis. 176/37-38. P.W. 44 testifies to his having given information to P.W. 1 regarding attachment of Accused 1's car on the afternoon of 2nd March 1940. Process Nazar (P.W. 50) speaks to his having seen Accused 1 in his office at about 3 P.M. on 2nd March 1940 as he came to ascertain the amount due in respect of the attachment warrant (Ex. P33) for his Talbot car (M.O. 3). There is the evidence of P.W. 20 for giving two gallons of petrol to Accused 1's car (M.O.3) at 5 P.M. on 2nd March 1940 on the credit indent chit (Ex. P 14) entry in the book being Ex. P6 (a). Mr. Misri (P.W. 4) speaks to his having lent his motor Van (M.O. 4) to Accused 1 on the night of 2nd March 1940 as he represented that there was something wrong with his car and to its return to him at about 9 P.M. the same night. He also deposed that Accused 1 asked him not to inform anyone

about the lending of his Van as there was some accident due to the Van running over a goat and that he questioned him at the Globe Theatre next night on 3rd March 1940 if anyone had gone to him to enquire about the Van. He also speaks to the fact of his having given information of his lending the Van to Accused 1 on the night of 2nd March 1940 to Mr. Safi Darashah (P.W. 9) on the night of 7th March 1940 at the Bowring Institute. P.W. 5 and P.W. 6 have seen the Van (M. O. 4) proceeding towards Bangalore at about 7 P.M. on 2nd March 1940. P.W. 7 and P.W. 8 testify to the sale of one gallon of petrol from Webb's petrol bunk for cash on 2nd March 1940 at 6-30 P.M. to a Van similar to M.O. 4, P.W. 1 being present at the time. The account cash book is Exhibit P4 and the entry in it is Ex. P4(a). P.W. 52 states that he was picked up in the car by Accused 1 and dropped near Domlur Village. P.W. 84 has seen the deceased at 6-30 P.M. going to his office on the date of occurrence. P.W. 74 and P.W. 78 have seen the deceased leaving his office in Cottonpet with punchay, coat, turban and a walking stick. P.W. 57 has seen the deceased near Shankariah's Hall and P.W. 68 near Apex Bank going towards Basavangudi along Hardinge Road. P.W. 53, P.W. 54, P.W. 55, P.W. 56 and P.W. 61 testify to their having seen a Van similar to M.O. 4 moving from the National High School playground towards the Hardinge Road at about 8 P.M. on 2nd March 1940 and having heard the Cry 'ಅಯ್ಯೊಯ್ಯೊ' of a person in need of help and that they depose that the Van had no light until it reached the Hardinge Road and that it moved fast towards Lal-bagh taking a turn from Hardinge Road to the North Road. P.W. 10 speaks to his having given four gallons of petrol to P.W. 1 at about 10-45 or 11 P.M. for a Van and states that as the average of 45 gallons of petrol for 2nd March 1940 had exceeded, he showed the sale of 4 gallons of petrol to P.W. 1 on the next date, *i.e.*, 3rd March 1940. The metre reading book is Exhibit P6 and the entry therein in respect of the sale of 4 gallons of petrol is Exhibit P6 (a). P.W. 13, P.W. 14 and P.W. 15 who are gate-keepers at Arkavathi Railway gate and Yelahanka Railway gate testify to their having seen a car similar to M.O. 14 passing through the gates on the night of 2nd March 1940. P.W. 14 and P.W. 15 identify P.W. 1 being the driver in that car as he had stopped the car due to level crossing gate having been closed to as he wanted some water for the radiator of the car. On the information of P.W. 1 one walking stick (M.O. 6) one pair of sandals (M.O. 7) and one torn lace turban (M.O. 8), and one ash tray (M.O. 9) have been traced in the Hebbal Tank on 10th March 1940. These articles except M.O. 9 have been identified to be those of the deceased by P.W. 33 and P.W. 62. M.O. 9 is the ash tray which exactly fits to the sockets in the car (M.O. 3) of A1. The medical evidence of P.W. 11 who conducted the post-mortem on the body of the deceased at Makalidurg on 5th March 1940 and the expert evidence of Dr. Monteiro (P.W. 32) prove beyond doubt that the death of the deceased Krishnamurthy was due to asphyxia as a result of strangulation. P.W. 21 who held the inquest on the body of the deceased on 5th March 1940 states that a cotton rope (M.O. 5) was tied round the neck of the deceased and another coir rope O.M. 1 was tied round the neck, waist and the legs of the deceased. The taxi driver (P.W. 12) testifies to his having given his taxi car (M.O. 14) for hire to Accused 1 which was driven and brought back by P.W. 1. P.W. 91 and P.W. 99 have seen A5 entering into A1's compound in a car at 7-30 A.M. on 3rd March 1940. The testimony of the above witnesses the veracity of which has not been challenged or discredited, clearly go to corroborate the evidence of Prosecution Witness No. 1 and his confessional statement (Ex. P2) in all material particulars. There is no reason to disbelieve the testimony of Prosecution Witness No. 1, though it may be the evidence of an accomplice.

9. Now coming to the investigation, the complaint (Exhibit P93) of the disappearance of the deceased M. Krishna Murthi suspecting foul play was given by Prosecution Witness No. 62 to the Police on 4th March 1940 at 11-30 A.M. Prosecution Witness No. 86 registered the case under Section 364, I. P. C. and proceeded with the investigation. He examined a few witnesses on the 4th, 5th and 6th March 1940 and handed over the investigation to Prosecution Witness No. 93 on 6th March 1940 under orders of his superior officer. In the meantime the body of the deceased was traced at Makalidurg by the Police Constable (Prosecution Witness No. 23) on 4th March 1940 and he sent a report (Exhibit P122) got written by his son (Prosecution Witness No. 90) to Prosecution Witness No. 21 at Dodballapur. The latter held the inquest on

5th March 1940 at which Prosecution Witness No. 72, Prosecution Witness No. 62 and Prosecution Witness No. 78 identified the body as that of Mr. M. Krishna Murthi and also the clothes on the body M.O. (15), M.O. (16), M.O. (17), M.O. (18), M.O. (19), M.O. (20) and M.O. (21). Articles M.O. (23), M.O. (24) and M.O. (25) were also identified by them. On receipt of the post-mortem report (Ex. P 7, P. W. 22 registered the case under Section 302, I. P. C., in Dodballapur Kasaba Range and gave a transfer of the case to Bangalore City Police on 8th March 1940. P. W. 93 having taken up further investigation of the case on 6th March 1940 from P. W. 86 examined certain witnesses that day and visited the spot where that body of the deceased was found, on 7th March 1940. On receipt of information from P. W. 9 at about 9 P.M. on 7th March 1940 that Mr. Misri's van had been lent to Accused 1 on the night of occurrence he examined Mr. Misri (P. W. 4) and at 2-30 A.M. on 8th March 1940 he with the help of Civil and Military Station Police arrested Accused 1 and at 3-30 A.M. P. W. 1. He seized Ex. P 95 and Ex. P 95 (a) from the house of Accused 1 on search. A2 and A3 were arrested at 6-30 A.M. Accused 4 was arrested at 9 A.M. at Murugeshapalya. On A1 undertaking to point out the spot in the casuarina tope on Yelahanka-Dodballapur Road where the body of the deceased had been kept being carried by himself, P. W. 1, Accused 2 and A3 before it was removed to Makalidurg, he was taken in a police Van with the Bangalore City Superintendent of Police (P. W. 98) and Bangalore District Superintendent of Police (P. W. 85). On Accused 1 pointing out the lantana bush where the body had been placed a white handkerchief (M.O. 28) was found lying closeby which Accused 1 identified as his. The dhobi mark of it was found to tally with that on the shirt (M.O. 27) and with that on the punchay (M.O. 26) worn by Accused 1 at the time. M.O. 28 was seized under a mahazar and Accused 1's confession statement was got recorded by the Bangalore City Magistrate (P. W. 2) and M.O. 26 and M.O. 27 were also seized on requisition to P. W. 2 on 9th March 1940. On the same date P. W. 1 gave information of having thrown certain articles of the deceased to the Hebbal Tank. Search in the tank that day was ineffective. P. W. 34, P. W. 35 and P. W. 36 kept watch at the Hebbal Tank. On 10th March 1940 after search in the tank, P. W. 26 picked up M.O. 7 and M.O. 8 and P. W. 27 picked up M.O. 6 and P. W. 28 traced M.O. 9. The articles M.O. 7, M.O. 8 and M.O. 6 were identified by P. W. 62. P. W. 1 identified M.O. 9 as the ash tray of Accused 1's car. Accused 5 was arrested on the same date. On 11th March 1940 Accused 2 pointed out the spot in a casuarina tope near Konena Agrahar where the body of the deceased was first kept. At the spot a dark green cloth (M.O. 11), some cotton waste (M.O. 12) and two cardamoms (M.O. 10) were found. They were seized and sealed with the seal (M.O. 13) of P. W. 5. Accused 1's car, M.O. 3, and the Van of Mr. Misri (M.O. 4) were also seized. On 12th March 1940 Accused 2 produced from the loft of his dwelling house a dark green cloth (M.O. 31) from which he had cut a piece (M.O. 11) which had been seized on the previous day. M.O. 11 was sent to the Chemical Examiner in a sealed packet. Mammalian blood was detected on M.O. 11 as per certificate, Ex. P. 129. On 15th March 1940 on the information of Accused 3 water-proof coat (M.O. 2) was traced the same having been produced by P. W. 77 who had taken it from the shed of Accused 3 and kept it near the pump house in the apple garden of Accused 1. M.O. 2 was sent to the Chemical Examiner who detected mammalian blood on it and granted a certificate (Ex. P 131). On 18th March 1940 P. W. 1 was produced before P. W. 3 for recording the confession but he was remanded to the Central Jail and his confession (Ex. P 2) was recorded on 19th March 1940. On the same date P. W. 51 identified the overcoat (M.O. 2) as his own. After examining the several witnesses and going through the concerned records he placed the charge sheet against all the six accused on 23rd March 1940 before the City Magistrate. Further looking into the Civil Court records and Bank records and examining other witnesses he placed an additional list of witnesses on 3rd April 1940. P. W. 40 and P. W. 41 have identified the dhobi marks on M.O. 26, M.O. 27 and M.O. 28 and state that the articles belonged to Accused 1 as they were washing his clothes. P.W. 69 identified M.O. 15 and M.O. 16 as those stitched by him for the deceased Krishnamurthy. The tracing of M.O. 28 in the Casuarina tope on Dodballapur-Goribidnur Road and M.O. 11 in the Casuarina tope near Konena Agrahar and M.O. 2 on the information of Accused 3 further corroborate the testimoney of P. W. 1. A requisition has been sent to the District Magistrate, Bangalore District, to get the Imperial Serologist at Calcutta examined on

commission as to whether mammalian blood detected on M.O. 11 and M.O. 2 was human blood or not, since the blood-stain on these two articles might be due to a small incised wound on the left temple of the deceased, noticed at the time of inquest and post-mortem.

5 10. The evidence adduced by the prosecution in respect of the several accused in connection with the offences of abduction and murder may well be considered. As regards Accused 1 besides the unchallenged testimony of P. W. 1 there is his own confession voluntarily given before the City Magistrate of Bangalore (P. W. 2) on 9th March 1940. This confession statement (Exhibit P1) was recorded long 10 before that of P. W. 1 and in material particulars there is corroboration in the testimony of P. W. 1. There is no reason why his confession statement should not be taken into consideration though in the end he has stated that his intention was not to murder Mr. M. Krishnamurthy but only to threaten him and let him go and that he had directed his servants to do so. From his own confession statement it is 15 clear that he brought the Motor Van (M.O. 4) from Mr. Misri with Accused 2 Accused 3, Accused 4, and P. W. 1, the first three of whom are his gardeners and the last his motor cleaner, that he was present at the spot, when the deceased was abducted and that he was driving the van when murder of the deceased was committed inside the van. If really his intention was not to murder the deceased, 20 he could have easily prevented the murder. It is seen from a reported case in All England Law Reports, Volume 3, 1937, page 921 that if a man intending to commit a rape upon a woman but without the least wish to kill her, squeezed her by the throat to overpower her, and in so doing killed her, that would be murder. Similarly in the present case even assuming for a moment that there was no 25 intention to kill the deceased, since death has been caused in overpowering him, the offence ought to be considered as one of murder. From the confession statement of Accused 1 it is also clear that on 2nd March 1940 Accused 5 instigated him and egged him on to get rid of the deceased even going to the length of touching on the chastity of Accused 1's mother. Accused 1 in his statement before this 30 Court neither admits nor retracts his confession but merely states that he would give a statement in the Court of Sessions regarding this matter. As regards the evidence against Accused 2, Accused 3 and Accused 4 there is besides the confession of Accused 1 the corroborated testimony of P. W. 1 that they took active part in the crime of abduction and murder of the deceased, though they state before this 35 Court that they know nothing about the occurrence. Now considering the evidence against Accused 5 there is the testimony of P.W. 1, and P.W. 37 for his meeting A1 near Ananda Bhavan Hotel in Chikpet on the morning of 2nd March 1940 and of P.W. 70 for his meeting A1 again between 1 and 2 P.M. on the same day in the District Court Building, Bangalore City. P.W. 43 also testifies to the presence of 40 Accused 1 in the Additional District Court Hall between 1 and 2 P.M. on 2nd March 1940 when Accused 5 argued in Miscellaneous Case No. 176 of 37-38. In spite of such overwhelming and disinterested evidence Accused 5 in his statement before this Court denies having met Accused 1 on 2nd March 1940 and states that he had not met him for twenty days prior to the date of his arrest on 10th March 45 1940. His visit to the house of Accused 1 at 7-30 A.M. on 3rd March 1940, next day after the occurrence, testified to by P. W. 1, P. W. 91 and P. W. 99 is also denied by him. He further states that he visited the house of P. W. 63 at 6-30 A.M. on 3rd March 1940 whom the prosecution was permitted to cross-examine on this point. He also states that there was not much good-will 50 between him and Accused 1 ever since he retired from Accused 1's cases in 1937. The confession statement of Accused 1 (Exhibit P1) which cannot be ignored, discloses a different story altogether. Accused 1 states that there was bitter enmity between Accused 5 and the deceased for the past 2½ years, that Accused 5 was often complaining against the deceased, that on Saturday (2nd March 1940) 55 previous to the date of his confession he went to Accused 5 to speak to him in connection with the production of the original Will (Exhibit P29) of his late father before the District Court in the Civil and Military Station on 4th March 1940, that he, Accused 5, asked him to go to the Additional District Court that day, that prior to this date Accused 5 was not only complaining against the deceased but 60 had also suggested to him to put the deceased into disgrace, that on Saturday (2nd March 1940) afternoon he went to the Additional District Court as required by Accused 5, that at about 2-30 or 3 P.M. Accused 5 referring to Mr. Mokshagundum

Krishna Murthi told him "ಅವರನ್ನು ಏನಾದರೂ ಮಾಡಿಸಬಾರದೆ. ಅವರ ಹಾವಳಿ ಜಾಸ್ತಿ ಅಂದರು" thereby meaning that he, deceased, should be got rid of as he had become too troublesome, that Accused 5 was in the habit of mentioning to him whenever he went to him that the deceased had kept his, (Accused 1's,) mother and was frequently visiting her house, that on Saturday (2nd March 1940) Accused 5 repeated this matter in such a manner so as to provoke his anger and that in pursuance of the instigation by A5 to get rid of the deceased he brought the motor van of Mr. Misri with his servants Accused 2, Accused 3, Accused 4 and P. W. 1 and was present when the deceased was abducted at the National High School playground and murdered inside the van which was afterwards returned to Mr. Misri. Accused 1 refers to the deposit of the body in the Casuarina tope on the Whitefield Road, the removal of the same in his car to the bush at the tenth milestone on Dodballapur Road and to his having engaged a taxi car for removing the body from the bush to a place farther off. It is clear from the confession statement which is corroborated by the testimony of P. W. 1 in material particulars that A5 not only instigated A1 to get rid of the deceased but also the offences of abduction and murder of the deceased were committed in furtherance of common intention of all the five accused (A1 to A5) since the intention to abduct and murder the deceased was according to the evidence of P. W. 1 also communicated by A1 to A2, A3 and A4 when they were in the van on the way to Webb's Petrol Bunk and again when the deceased was first sighted about 150 yards from his Office in Cottonpet. What A1 said to A3 on the way to Webb's Petrol Bunk in the presence of other accused and P. W. 1 is very significant as it shows the mind of A5.

11. In the above circumstances there is no doubt that the prosecution have made out a prima facie case so as to justify a conviction, against all the five accused in respect of the offences of abetment and murder of the deceased M. Krishna Murthy. There being sufficient grounds to charge them, all the five accused were charged under Sections 364 and 302, I. P. C. read with Section 34, I. P. C. A1 also under Sections 114 and 364 and 114 and 302, I. P. C., and A5 also under Sections 109 and 364, and 109 and 302, I. P. C.

12. It now remains to consider the offence of forgery in respect of the Will (Exhibit P29) purported to have been executed by late Mr. K. Muninanjappa on 5th January 1935 three days prior to the date of his death. Accused 1 and A5 have been charge-sheeted by the Police for this offence also which is a non-cognizable one. The prosecution in the course of enquiry and argument do not press this charge against A1 but press only against A5. Before dealing with this offence of forgery against A5 it is very desirable to explain certain points urged by the counsels for the defence in the course of the arguments before charge. They are firstly, whether it is not illegal or improper to hold a single enquiry and record continuous evidence in respect of different offences of murder and forgery with which all the accused are not charged by the Police in common, secondly, whether in view of the offence of forgery being a non-cognizable one the order of a Magistrate of the First Class is not necessary for the Police to investigate into such non-cognizable offence under Section 155(2), Cr. P. C., and thirdly, whether under Section 195(1) (c) a complaint from the Additional District Judge, Bangalore City, is not necessary for taking cognizance by this Court of the offence of forgery in respect of the Will (Exhibit P29) produced in the course of a proceeding in the Additional District Court, Bangalore City. Regarding the first point there is a very clear decision of the Mysore High Court in Mysore Law Journal, Vol. 17, 1939, Page 107, from which it is seen that it is not irregular or improper to record in one enquiry the evidence for different offences and that such evidence can be made use of in different cases split up after charge. This being only a Court of enquiry and the actual trial commencing in the Court of Sessions after charges are framed for distinct offences, the recording of evidence for offences of murder and forgery and the clubbing of accused some of whom were Charge-sheeted for murder and some for forgery by the police in the course of enquiry in this Court do not amount to any irregularity or impropriety. With regard to the second point there is a Full Bench decision of the Mysore Chief Court in the Mysore Chief Court Reports, Vol. 35, 1930, Page 477. Form which it is clear that when a report of facts constituting a non-cognizable offence is made by a Police officer under Section 190(1) (b), whether after investigation under Section 155(2), or before, the Magistrate to whom the report is sent, if otherwise competent may take cognizance of the offence. Under

the amended Section 200(aa) Cr. P. C. when the complaint is made, in writing, by a public servant acting or purporting to act in the discharge of his official duties, examination of the complainant is not necessary. In the present case the Police Inspector (P. W. 93) who has signed the charge-sheet is a public servant making a complaint in the discharge of his official duties in respect of the offence of forgery. In the above circumstances the congnizance of the offence of forgery has been taken by this Court in the course of enquiry which is not in any way irregular. The offence of forgery in this particular case is so intricately connected with the offence of murder affording cause for motive that it was incumbent on the Police Officer to investigate also into the offence of forgery while he investigated into the offence of murder. As regards the third point urged by the defence counsel it is clear from the proceedings in Mis. 67/35-36 in the District Court, Bangalore City, and the evidence of the Additional District Judge (P. W. 39) that the original Will (Exhibit P29) was produced before the Court on 4th March 1937 by A5 who was a witness in the case and was the custodian of the Will. As A5 was, therefore, not a party to the proceeding before the District Court but only a witness, he gets no protection and the bar imposed by 195(1) (c), Cr. P. C., does not apply to him. This is clear from the decisions in 53, Allahabad, 804, 3, Madras 400, and 69, Madras Law Journal, 783. Therefore the contentions raised by the defence counsel in respect of these points fall to the ground.

13. I shall now deal with the offence of forgery against A5. Two important witnesses who have deposed in respect of the offence of forgery of the Will (Exhibit P29) are P.W. 60, writer of the Will, and P.W. 82, widow of late Mr. K. Muninanjappa who is purported to have executed the Will. Their testimony stands unchallenged as there has been no cross-examination to them. It is seen from the evidence of P.W. 60 that on 5th January 1935 A5 sent for him to his house where A1 also was present, that A5 took him and A1 in his car to the house of Mr. K. Muninanjappa, that the latter was lying in the room in front of the house, that when A5 questioned him about his health he said something in a very low voice which he (witness) could not hear, that A5 asked Mr. K. Muninanjappa in Telagu whether the Will might be got written, that he was asked to sit out when Mr. K. Muninanjappa was being questioned, that he sat outside in a room in the verandah, that ten minutes later A5 came and dictated the draft Will to him without reference to any document, that the draft Will was completed by 12 NOON, that A5 took the draft away and brought it back after ten minutes when some lines had been scored off in the draft, that he prepared the fair copy of the Will as directed by A5 who left for the Court, that A5 returned at 5 P.M. the same day, that A5 took the fair copy of the Will to the room in which Mr. K. Muninanjappa was lying, that someone tore off the draft of the Will, that the fair copy of the Will was read out loudly by A5, that no reply was given by Mr. K. Muninanjappa, that A5 asked Mr. K. Muninanjappa whether he could sign, that Mr. K. Muninanjappa was not in a condition to sit up or sign, that while A5 was asking Mr. K. Muninanjappa in Telugu whether he would put his thumb impressions, somebody brought an ink pad and got the left thumb impressions of Mr. K. Muninanjappa to every page of the Will which he wrote that day, that Mr. K. Muninanjappa was then staring at all those that were there with a pale and blank look, that he did not think Mr. K. Muninanjappa to be conscious at that time, that he wrote against thumb impressions as dictated by A5, that he wrote the word "ಸಾಕ್ಷಿಗಳು" on the last page and the word "ಬಿಕ್ಕಲಂ" at the end, that Lakshmamma, wife of Mr. K. Muninanjappa, also put her thumb impression to the Will, and that A5 was holding the Will in his hand when he left the place at about 7 or 7-15 P.M. on that day. It is, therefore, clear that A5 was responsible for the creation of a Will when Mr. K. Muninanjappa was not of sound disposing mind. P.W. 82 testifies to the fact that during the last days of her husband's illness she used to be by his bed side all the 24 hours, that her husband never expressed any intention to execute a Will or to create any trust for charity, and that he was never in the habit of giving any charity without consulting her. She also adds that her husband who was earning only 8 annas a day at the time of her marriage and who made a fortune of 5 to 6 lakhs after her marriage never used to do anything without consulting her, that during his serious illness he withdrew Rs. 84,000 and odd from the Bangalore Bank and gave it to her to be disposed of as she liked as it was her money, that in consultation with each other the amount was got deposited in the Mysore Bank in

fixed deposits in the name of herself and minor children and that he never expressed at any time before his death that she had no control over Rs. 8,000 out of Rs. 10,000 deposited in her name in the fixed deposit at the Mysore Bank. P.W. 47 testifies to his having taken left thumb impressions of late Mr. K. Muninanjappa and his wife Lakshmamma (P.W. 82) to the specimen signature card (Exhibit P61) in connection with the fixed deposits and that Mr. K. Muninanjappa could not put his signature as his hands had swollen. P.W. 82, P.W. 88 and P.W. 92 depose to the fact that Mr. K. Muninanjappa had lost consciousness 15 days prior to the date of his death. P.W. 66 who is a casteman and P.W. 67 who is a casteman and a relative state that Mr. K. Muninanjappa lost consciousness eight days prior to the date of his death. The testimony of these witnesses is not challenged and their evidence is not discredited. Dr. Subba Rao (P.W. 79) who was then Senior Surgeon was called to see the patient on 7th January 1935 and the patient died on 8th January 1935. He gave two prescriptions, Exhibit P113(a) for increasing secretion of urine and Exhibit P113(b) for strengthening the heart which shows that the condition of the patient must be serious as the call for a high Medical Officer like the Senior Surgeon is made only in cases where the condition of the patient is very serious. P. W. 82 is an illiterate women and she states that to her knowledge no Will was executed by her late husband during his life time as there was no necessity for a Will and that her thumb impressions were got for several documents by A1 after her husband's death. The Will (Exhibit P29) is written on a shabby paper consisting of single and double sheets of paper. It contains scorings and interlineations which are evidently made after the fair copy was made, the left thumb impression of Mr. Muninanjappa being affixed at each scoring and interlianation. The thumb impression on the Will of Mr. K. Muninanjappa agrees with the left thumb impressions of the same person in a registered sale deed (Exhibit P31), dated 18th October 1928. It is somewhat curious that his left thumb impression in Exhibit P29 and Exhibit P31 do not tally with those in the specimen signature card of the Mysore Bank (Exhibit P61) as deposed to by the finger print expert, P. W. 76. The case for the prosecution is that though the thumb impressions in Exhibit P29 are the real left thumb impression of Mr. K. Muninanjappa, they must have been taken when he was unconscious and not in a sound disposing mind. It is also a point for consideration and looks very unlikely whether late Mr. K. Muninanjappa who did not deposit a pie in the Mysore Bank in fixed deposits in the name of A1 on 5th November 1934 could have suddenly changed his mind on 5th January 1935 to transfer all the amounts in the Bangalore Bank to his name and create a trust for charities of frivolous nature of such a heavy sum of Rs. 30,000 giving absolute control over this amount to the three trustees, A1 in whom he had no confidence, A5 whom he described to P. W. 82 as "ತಾಯಿಗ್ಗಂಡಲು ಪುಂಡಂಟ ಪುಂಡಾಡು" and one Venkataswamappa whom he described to his wife as a man who had ruined many families. The terms of the Will are already described in paragraph 4 supra. The charitable trust created looks rather curious in view of the funny and frivolous nature of charities in the Will. Both Venkatasamappa and A5 owed money to late Mr. K. Muninanjappa as testified to by P. W. 88. One M. Gurumurthi has attested the Will as a witness. P. W. 88 states that though the signature in the Will looks like his, it is not his signature and that the letter 'M' in the initial of the signature is not clear and does not correspond to the letter 'M' he puts in his genuine signature. No doubt the letter 'M' in Exhibit P29 is different from that the genuine signature of P. W. 88 in Exhibit P58. The one object of A5 in bringing the Will into existence appears to be to get control of Rs. 30,000 by some means or other. If really Mr. K. Muninanjappa had got a Will executed when he is of sound disposing mind, placing confidence in A5, then he would certainly have asked A5 to put his signature to it. It is significant that neither A5 who is supposed to be the family lawyer and nor Doctor Y. Shankara Rao (since dead) who was the family Doctor have attested the Will. It is seen that Government of India Bonds (Exhibit P112) have been transferred to the name of A1 on 6th January 1935 in the presence of Honorary Bench Magistrate, Mr. Gundappa, of Civil and Military Station but no certificate as required under Rule 52 of the Government of India Securities Manual as to the endorsement being read over to the holder and being understood by him has been made below his signature. If care was taken to get an Honorary Bench Magistrate for endorsing the bonds why

care was not taken to get a Sub-Registrar to register the Will on the previous day is a point for consideration. The subsequent conduct of A5 in not producing a copy of the Will to P. W. 82 though demanded by her and by her lawyer Mr. Suryaprakash and not producing a copy to the Court of Law until 25th March 1936 and not producing the orginal Will to the Court of Law until he was forced to do so in Mis. 67 of 35-36 on 4th March 1937 and his evasive reply to Lakshmamma (P. W. 82) on her demanding the original Will to be read and a copy of the same to be given to her by saying "ಇಚ್ಚಲಂತೆ ಇಚ್ಚಲ ತಿಪ್ಪತಾನು ಅಚ್ಚಲಂತೆ ಅಚ್ಚಲ ತಿಪ್ಪತಾನು" go a long way to throw a good deal of suspicion on the genuineness of the Will. His presistent efforts to avoid appearing as a witness in a Court of Law though he was the custodian of the Will greatly strengthens the suspicion. In a view of the above circumstances and in view of the unchallenged testimony of the disinterested witnesses P. W. 66 and P. W. 67 who depose that late Mr. K. Muninanjappa was unconscious eight day prior to the date of his death which occurred on 8th January 1935 while the alleged Will is dated 5th January 1935 and in view of the unchallenged testimony of the writer of the Will himself (P. W. 60) who states that Mr. K. Muninanjappa was not conscious when his thumb impressions were affixed to the Will at the direction of A5 on 5th January 1935 there is no doubt that the presecution have made out a clear prima facie case of forgery against A5. Accordingly A5 was charged under Sections 465, 467, 468, 471 and 474, I. P. C. A5 however in his statement before the Court states that the Will is genuine having been prepared at the instructions of late Mr. K. Muninanjappa which is falsified by the testimony of P. W. 60 who states that A5 had no references or documents with him when he dictated the draft of the Will. No doubt offences under Sections 465, 468, and 471, I. P. C., are triable by this Court but in view of the fact that punishments to be given might not be adequate if there were to be convictions and that there are other graver offences 467 and 474, I. P. C. for which A5 has also been charged and which are exclusively triable by the Court of Sessions. I consider it desirable in the interest of justice to commit A5 to the Court of Sessions to undergo trial in respect of the offences 465, 468 and 471, I. P. C. also.

14. After the charges were read and explained to the respective accused they were required to give lists of defence witnesses. A1 has produced a list of defence witnesses for their being summoned before the Court of Sessions. A2 and A3 have stated that they would file the lists of defence witnesses through their counsel. A4 has no defence witnesses to cite. A5 has stated that he would file the list through his counsel. There has been no prayer for the examination of any defence witnesses in this Court.

15. In the above circumstances and in view of the prosecution having made out clear prima facie cases under distinct offences with which the accused are respectively charged and there being sufficient grounds to commit them all to the Court of Sessions. I hereby commit all the five accused A1 to A5 under Section 213(1), Cr. P. C., to the Court of Sessions, Bangalore Division, for trial by the said Court of Sessions in respect of the distinct charges framed, respectively, against each of the accused.

16. The approver (P. W. 1) shall be detained in custody until the termination of the trial by the Court of Sessions under Section 337(3), Cr. P. C.

Pronounced in open Court this 25th day of May 1940.

(Sd.) R. P. MALLAPPA,
Special First Class Magistrate,
Bangalore.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CRIMINAL APPEAL No. 19 OF 40-41.

Connected with Cr. Appeals Nos. 20 and 21 of 40-41.

Appellant.		*Respondent.*
K. M. Narayana Reddy, son of K. Muninanjappa, aged 26 years, Reddy by Caste, Prisoner in Central Jail, Bangalore.	*Vs.*	Government of Mysore.

Under Section 410 of the Code of Criminal Procedure the appellant begs to prefer this appeal against the conviction and sentence passed against him on 12th September 1940 by the Second Additional Sessions Judge, Bangalore Division, in Bangalore Sessions Case No. 30 of 39-40 on the following among other.

Grounds of Appeal.

1. The judgment of the Lower Court is against law, the weight of evidence and the probabilities of the case.

2. In any event, the Lower Court should not have awarded the extreme penalty of the Law.

Bangalore City,
18th September 1940.

(Sd.) G. R. ETHIRAJULU NAIDU,
Advocate for Appellant.

12th September 1940.

Offence.—364 and 302, I. P. C.

Sentence—7 years rigorous imprisonment and sentence of death.

Submitted.—

In time.

Reference under Section 374, Code of Criminal Procedure is not yet received and both this appeal and the reference after receipt will be posted for hearing together.

"Yes."

(Id). T. S.,
Judge,
18-9-40.

JAIL APPEAL.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CRIMINAL APPEAL No. 20 OF 40-41.

Connected with Cr. As. 19 and 21 of 40-41.

Appellant (Accused).		*Respondent.*
Muniga, Prisoner No. 8053, Bangalore Central Jail.	*Vs.*	Government of Mysore.

Under Section 420, Criminal Procedure Code.

The Appellant abovenamed appeals to the High Court of Mysore at Bangalore against the judgment in Sessions Case No. 30 of 39-40 on the file of the Second Additional Sessions Judge, Bangalore Division, Bangalore, and prays that the conviction and sentence be set aside on the following grounds :—

The learned Judge erred in believing the version given by P. V. 33 V. S. Ponnambalam, the approver in the case, who has given different versions in the Committing Magistrate's Court and the Sessions Court.

The learned Judge had no material to discard the version of the accused.

The learned Judge failed to perceive that no obligation to prove his case attached to the accused under the law so long as the prosecution did not establish the necessary knowledge and intention to commit the offence.

The judgment is against law, weight of evidence and probabilities of the case.

L. T. Mark of Muniga.
Appellant,
Convict No. 8053, Muniga,
B. C. Jail.

Submitted to the Superintendent, Central Jail, Bangalore, for forwarding to the High Court of Mysore at Bangalore under Section 420, Cr. P. C., along with the copy of judgment in the case.

L. T. Mark of Muniga,
Appellant,
Convict No. 8053.

Countersigned.
Abdulla Hussain Sheriff,
Superintendent,
Central Jail,
Bangalore.
18-9-40.

12-9-40.

Offence—364 and 302, I. P. C.

Sentence—7 years rigorous imprisonment and death.

Submitted :—
In time.
If approved this will be posted for hearing with the connected appeals.

" Post this with Cr. A. 19/40-41."
(Id.) T. S.,
Judge.
18-9-40.

JAIL APPEAL.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CRIMINAL APPEAL No. 21 OF 40-41.

Connected with Cr. As. 19 and 20—40-41.

Appellant (Accused) :—		*Respondent* :—
Rama,	*Vs.*	Government of Mysore.
Prisoner No. 8054,		
Bangalore Central Jail.		

UNDER SECTION 420, CRIMINAL PROCEDURE CODE.

The Appellant abovenamed appeals to the High Court of Mysore at Bangalore, against the Judgment in Sessions Case No. 30 of 1939-40 on the file of the Second Additional Sessions Judge, Bangalore Division, Bangalore, and prays that the conviction and sentence be set aside on the following grounds :—

The learned Judge erred in believing the version given by P. W. 33, V. S. Ponnambalam, the approver in the case, who has given different versions in the Committing Magistrate's Court and the Sessions Court.

The learned Judge had no material to discard the version of the accused.

The learned Judge failed to perceive that no obligation to prove his case attached to the accused under the law so long as the prosecution did not establish the necessary knowledge and intention to commit the offence.

The judgment is against law, weight of evidence and probabilites of the case.

** Left Thumb Mark of Rama.
Appellant,
Convict No. 8054, Rama,
Bangalore Central Jail.

Submitted to the Superintendent, Central Jail, Bangalore, for forwarding to the High Court of Mysore at Bangalore under Section 420, Cr. P. C., along with the copy of judgment in the case.

** Left Thumb Mark of Rama,
Appellant, Convict No. 8054. 5

Countersigned.

ABDULLA HUSSAIN SHERIFF,
Superintendent,
Central Jail,
Bangalore, 10
18-9-40.

12th September 1940.

Conviction.—Under Sections 364 and 302, I. P. C.
Sentence.—Seven years' R. I. *re*: offence under Section 364, I. P. C.

Death sentence *re*: offence under Section 302, I. P. C. 15

Submitted:—
In time.
" Post this with Cr. A. 19/40-41."

(Id.) T. S.,
Judge, 20
18-9-40.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CRIMINAL REFERRED CASE No. 1 OF 40-41.

H. T. No. 230. BANGALORE,
Dated, 20th September 1940. 25

FROM

A. SUNDARARAJA RAO, ESQ., B.A., B.L.,
SECOND ADDITIONAL SESSIONS JUDGE,
BANGALORE DIVISION, BANGALORE.

30

To

T. SHAMIENGAR, ESQ., B.A., B.L.,
REGISTRAR, HIGH COURT OF MYSORE,
BANGALORE.

SIR,

Under Section 374 of the Code of Criminal Procedure, I have the honour to 35 forward herewith a typed copy of the judgment in Bangalore Sessions Case No. 30 of 39-40 on the file of this Court, for the confirmation of the sentence of death passed on K. M. Narayana Reddy Accused 1, Muniga Accused 2, and Rama Accused 3, in the said Sessions Case and to state that the entire records as also the typed copy of the said records and Police Special Diaries will be submitted to the 40 High Court immediately after the typed copy of the said records is ready.

I have the honour to be,
Sir,
Your most obedient Servant,

(Sd.) A. SUNDARARAJA RAO, 45
Second Additional
Sessions Judge.

Submitted.—
The Accused have already filed appeals.
Criminal Appeals Nos. 19 to 21 of 40-41. 50
If approved this reference will be posted along with the appeals.
" Yes".

(Id.) T. S.,
Judge,
24-9-40. 55

WD 4 95—GPB—40—8-11-40.